

THE LIBRARY OF CONGRESS

# Quarterly Journal



OF CURRENT ACQUISITIONS

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# The Library of Congress QUARTERLY JOURNAL OF CURRENT ACQUISITIONS

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Volume 20

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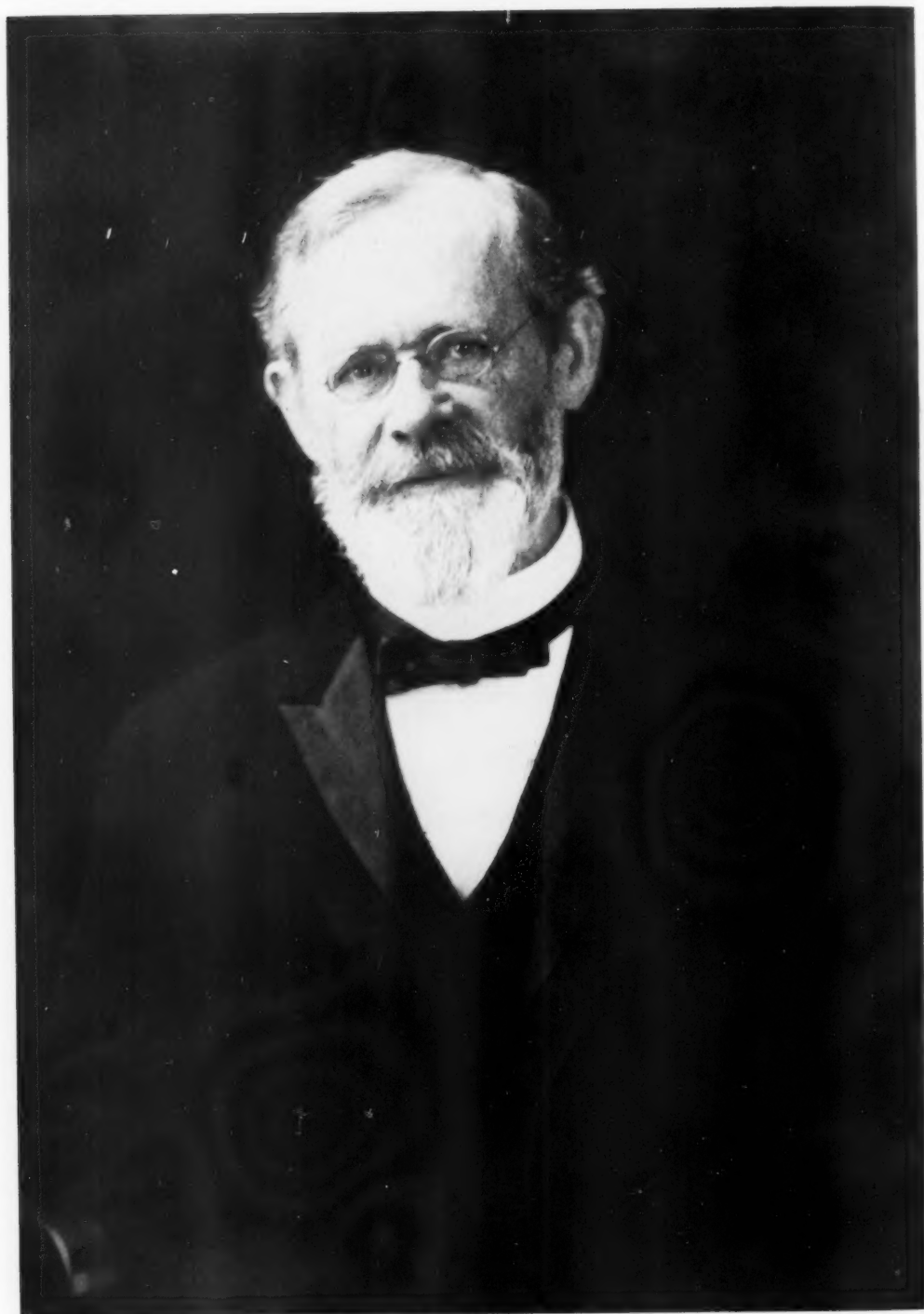
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PUBLISHED AS A SUPPLEMENT TO THE *Annual Report of the  
Librarian of Congress*



*Cleveland Abbe (1836-1916).*

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## “A Good Place to Study Astronomy”

REPORTING the acquisition of a notable collection is always gratifying; it is exceptionally so in the case of the Cleveland Abbe papers. From Abbe's granddaughter, Dr. Petrina Shea of Washington, D.C., the Library of Congress recently received a valuable body of correspondence, notes, photographs, and other records of Cleveland Abbe, as well as related documents of other members of the Abbe family. Shortly afterward, the Archivist of the United States generously presented a group of manuscripts that had come to the National Archives from the U.S. Weather Bureau, where Abbe's son, Dr. Truman Abbe, had deposited them in 1944. Thus the generosity of Cleveland Abbe's heirs and the cooperation of a sister agency have made it possible for the Library of Congress to restore the integrity of a fragmented collection and facilitate scholarly research in the history of science in America.

Cleveland Abbe (1836–1916) was a New Yorker of New England stock. After attending the Free Academy of New York (now the College of the City of New York), he went to the University of Michigan (1859–60) to study with the German astronomer Franz F. E. Brünnow. He then worked for 4 years with Benjamin Apthorp Gould at Cambridge, Mass., on the telegraphic determinations of the longitudes of points in the United States for the U.S. Coast Survey. During his

sojourn in Cambridge, Abbe was part of a lively group of astronomers, mathematicians, and other physical scientists from Harvard University, the Nautical Almanac Office, and the Coast Survey.

Up to this point, Abbe's career was similar to that of other young Americans interested in science; but in 1864 he applied at the famous Russian observatory at Pulkovo (Pulkowa) and was accepted by the director, Otto Struve, as a supernumerary astronomer, a position roughly the equivalent of a graduate or postgraduate fellowship today.

Pulkowa 1864 June 25

Dear Sir,

In reply to your letter I have the honour to inform you that we shall be pleased to see you here and offer you all facilities for becoming intimately acquainted with the different branches of practical astronomy, in use at the Observatory.

You will get here free lodgings with furniture, fire and light; with that the average expense of a years residence at Pulkowa might be estimated to 300 dollars.

Perhaps it might be recommended to you to enter here for a limited time in the position of a supernumerary astronomer. If this suggestion appears worth your consideration, apply to Dr. Gould or Prof. Bond and try to get from them my last years annual report, to which there are added the regulations of the Observatory. You will learn there what position those voluntary assistants occupy in our organization.

Considering your question if you should devote yourselves more to computation or observation, I must suspend my answer until becoming more acquainted with your own talents and dis-

position. On the whole it might be said that, as long as you have not to [i.e. at] your disposition a first-rate instrument you will have more chances to promote astronomy by investigation and computation than by observation.

I am particularly pleased with your desire to further our knowledge of the proper motions. In this respect you will find here a great many materials prepared; for that same object has formed a principal part of the aims, to which the activity of our Observatory has been directed since 25 years.

I hope to hear soon from you. Let me know what time we may expect your arrival.

Faithfully yours,

Otto Struve

Mr Cleveland Abbe  
Cambridge, U.S.

Looking back at his career near the close of his life, Abbe regarded the 2 years at Pulkovo as the high point of his professional career. So far as is now known, he was the only 19th-century American who went to Russia to study science. Through his writings, translations, and personal contacts, Abbe was a link between the two scientific communities. Perhaps even more significant was the influence of his experiences at the Central Imperial Observatory (now the Central Astronomical Observatory) upon his later ideas and actions.

Upon his return to America, Abbe spent 2 years at the U.S. Naval Observatory and then became Director of the Cincinnati Observatory. There his principal activity was meteorological—establishing a network of weather observers in the Midwest and issuing forecasts. When the Army's Signal Corps initiated a national meteorological service in 1870, Abbe became its first regular official forecaster. His principal contribution to the weather service was the promotion of research. Under his prodding, the Signal Corps instituted a "Study Room" and a laboratory. The "Study Room" was a unique administrative device in its day, a means of affording qualified individuals the opportunity to concentrate on research, without the distraction of routine duties; basic atmospheric physics

was the primary concern of the laboratory. These activities of Abbe's reached a peak in the 1880's; and at the end of that decade he joined a scientific expedition bound for West Africa to observe a total eclipse of the sun. After an economy-minded Secretary of Agriculture (the Weather Bureau was then in his Department) curtailed research in 1893, Abbe was transferred to editorial duties. In this new capacity and until he left the Weather Bureau shortly before his death, Abbe continued to promote research and to encourage younger investigators.

Many aspects of Abbe's career are well documented in the approximately 5,500 items (*ca.* 1855–1916) in the collection. Of this number, about 2,400 items consist of his professional and family correspondence. In addition to lecture notes, there are scientific observations, calculations, and fragments on scientific topics. Like many of his contemporaries, Abbe kept pocket diaries, a number of which are in the Library's possession, including an apparently continuous run for the years 1862–70, the significant Cambridge-Pulkovo-Cincinnati period. Also present are the drafts of some of Abbe's publications and texts of his unpublished writings. By far the most important of the latter group is an autobiography composed in 1888 or 1889. There are also numerous pictures of Abbe and his relatives, his scientific contemporaries, and scenes and objects associated with his life and work.

Although they are not within the scope of this article, the documents from Abbe's relatives merit attention. Some of them contain information about the activities of the best known member of the family, still others consist of accounts of the Civil War period and of Reconstruction. Two members of the family, Robert and Truman Abbe, Cleveland's brother and son, respectively, were physicians of note, and their letters and other papers should be of interest to medical historians; both, for ex-

Pulacra 1864 June 28

Dear Sir,

In reply to your letter I have the honour to inform you that we shall be pleased to see you here and offer you all facilities for becoming intimately acquainted with the different branches of practical astronomy, in up at the Observatory.

You will get here free lodgings with furniture, fire and light, and that the average expense of a year's residence at Pulacra might be estimated at 500 dollars.

Perhaps it might be recommended to you to enter here for a limited term in the position of a supernumerary astronomer. If this suggestion appears worthy your consideration, apply to Dr. Gould or Prof. Bond and try to get from them my last year's annual report, to which there are added the regulations of the Observatory. You will learn there what position the observatory offers to occupy in its organization.

Considering your question if you should devote yourselves more to computation or observation, I must propose my answer could be becoming more acquainted with your own talents and dispositions. As the whole it might be said that, as long as you have not to your disposal, here a first rate observatory, you will have more chance to promote astronomy by computation and comparison than by observation.

I am particularly pleased with your desire to further our knowledge of the proper motions. In this respect you will find here a great many materials prepared for that purpose. The found as principal part of the same, to which the activity of our Observatory has been since last June 26 years.

I hope to hear from you soon. Let me know what time we may expect your arrival.

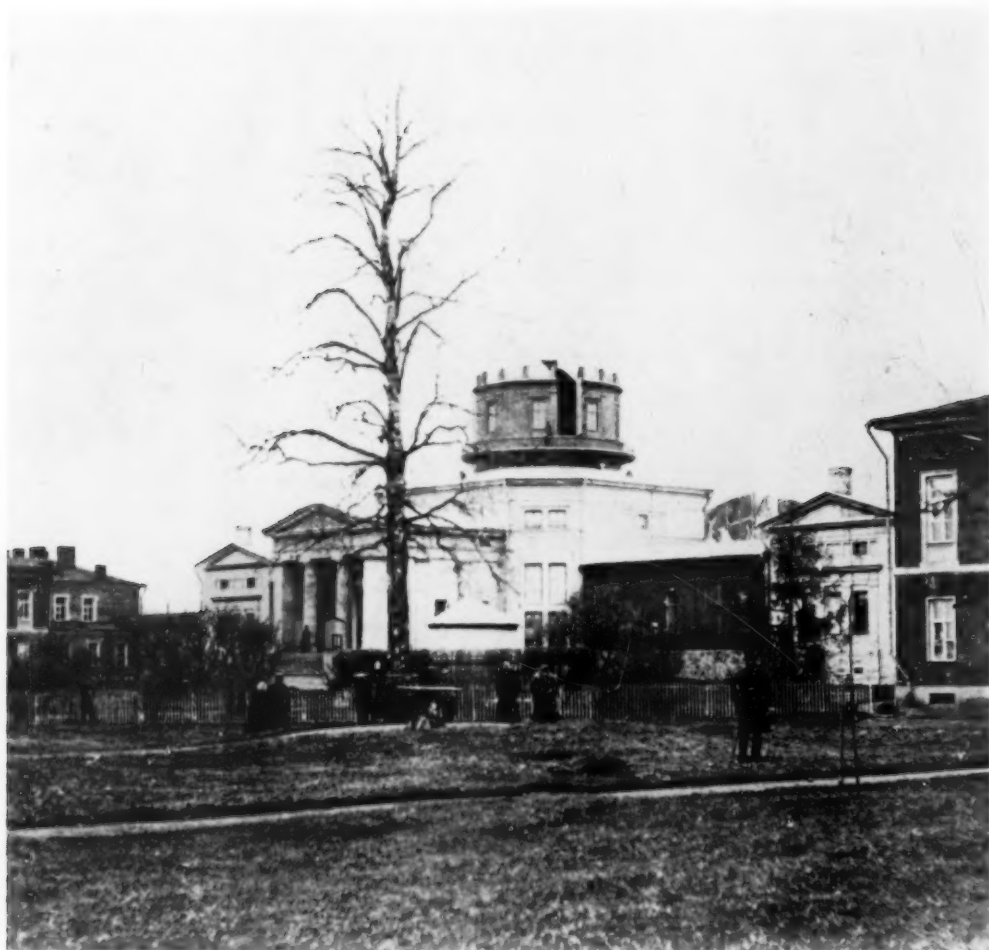
Sincerely yours

Otto Struve

Mr. Cleveland Abbe

Cambridge, U.S.

Letter of June 25, 1864, from Otto Struve to Cleveland Abbe.



*View of the Central Imperial Observatory at Pulkovo (Pulkowa) taken ca. 1866-67.*

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ample, were pioneers in the therapeutic uses of radium. Perhaps the most interesting aspect of the family letters is the impression they convey (unfortunately incomplete) of the social and cultural life of a middle-class family in urban 19th-century America.

While Cleveland Abbe was a product and part of this urban American milieu, he was quite atypical because of his membership in a very small group, the American scientific community, which, in turn, was part of an international community. As a consequence of events that have taken place since World War II, historians and social scientists have intensely studied scientists and engineers, novelists have discovered that the course of science is often filled with tensions and conflicts, and politicians have learned that the politics of science is not for the fainthearted. Many of the issues and processes now avidly studied were present in the last century; they did not spring into existence in World War II. From the Abbe papers one can extract considerable information about events in which Abbe participated or which he witnessed. Although these events bear a startling similarity to the current scene, showing a continuity or persistence of themes, the manuscripts vividly underline the distance American science has traveled in some respects.

Basic problems, now as then, were the education of scientists and the role of universities in research. Abbe enrolled in the University of Michigan because it was the location of an ambitious but premature attempt to establish a true university offering graduate courses. There are letters of Michigan faculty members and students in the collection. Abbe at first vigorously denied any interest in joining the faculty of a college; he declared that he wanted to do research, not to train undergraduates. As graduate education developed and institutions of higher learning became better en-

vironments for research, however, Abbe tried but failed to obtain a full-time university post. As in many of the other scientific manuscript collections in the Library of Congress, comments on higher education crop up frequently in the Abbe papers.

As part of an international scientific community, the scientists in America in the past century had many of the same problems as contemporary investigators. In the Abbe papers, there are a number of examples of the exchange of scientific data by means of informal communication or by the transmittal of reprints. Abbe participated actively in various international scientific meetings on meteorology and other fields; some documentation on these conferences is in the collection. As an astronomer and a meteorologist, Abbe also participated in joint scientific ventures with investigators of other nationalities. While there are manuscripts on these activities in the Library's holdings, most of the relevant source materials are probably in the official records in the National Archives. To facilitate international communication, scientists encourage the standardization of physical units and of terminology. Abbe's activities in this area are fairly well documented in his papers; for example, there are many letters on his advocacy of standard time.

Unique, of course, is the record of his stay in Russia and of his subsequent relations with scientists he met there. There are letters from Otto Struve, the Director of the Observatory, and from other members of the Struve family, as well as communications from other Russian scientists. Of particular importance is the apparently complete file of letters written by Abbe to his family while he was in Pulkovo, for they contain an abundance of information on his research activities and on the work of his colleagues. They also include observations on various aspects of Russian intellectual life, descriptions of the Imperial capital and its environs, and accounts of everyday

living in Russia, which are often delightfully touching in their innocence. A devout Baptist, Abbe was most unworldly and more than a bit puritanical; and although he gradually unbent, the prevalence of drinking, dancing, and other frivolities shocked him. Evidences of autocracy aroused his indignation, but signs of liberalization under Alexander II were optimistically noted. (When Brünnow advised him that he was going to a land of nobles and should be careful to say "Excellency," Abbe's Father commented: "Dr. Brunnnow . . . advises you . . . to be very obsequious, they had better understand that we are all Nobles here, but it may be a good place to study astronomy for all that . . .")

Particularly intriguing in connection with the Russian trip are the unexpected relationships between Russian and American science of the past century that are disclosed by the documents in the collection. These relationships hinge on the question of why Abbe went to Russia. It would seem more likely, on many grounds, that an American would choose to do graduate work at any one of a number of other first-rate institutions in Western Europe; and many did, of course. Benjamin Apthorp Gould, with whom Abbe worked at Cambridge, studied with Gauss at Göttingen. For that matter, how many Russians came to America for their education? Was Abbe's decision to study in Pulkovo one of those historical singularities which generate the charming anecdotes and the conceptual untidiness that irritate some philosophers of history and social scientists? What links the Central Imperial Observatory at Pulkovo with the meteorological "Study Room" of the Signal Corps in Washington, D.C.? The immediate cause of Abbe's decision to apply for a place at the Russian observatory was his reading of Charles Piazzi Smyth's *Three Cities in Russia* in 1863.

<sup>1</sup> DNB, 22:1222-23.

A reading of relevant Abbe papers reveals that he and some of his American contemporaries shared a common pattern of scientific interests with the Pulkovo group and other Russian investigators. Even more interesting is that Abbe's position on the relationship between pure and applied research was greatly influenced by his Russian experience.

Abbe belonged to a tradition of scientific geography not too well covered by historical studies. Greatly spurred by explorations and surveys of lands beyond the seas made by Europeans, the tradition developed into a fairly comprehensive attempt to describe and analyze the objects and phenomena (living and non-living) on the surface of the earth, in its interior, and in its atmosphere. Astronomy belonged to this tradition, in so far as it was applied to the precise location of points on the earth's surface; because astronomical observatories often collected geophysical phenomena, and because astronomical concepts influenced the study of the earth. In Abbe's words, our planet is

. . . a very small ball very insignificant in comparison with the heavens and heavenly bodies that he [the astronomer] studies — yet very important because he & his brother workers are forced to stay here & therefore have to study the movements of the Earth in order to correct their observations for the influence of the same . . .

Now that there is the probability of the astronomer leaving this world, Abbe and his colleagues are seen as progenitors, however remote, of the current close relationship between geophysics and the space program.<sup>2</sup>

When his parents wrote Abbe in Pulkovo about the possibility of teaching or doing

<sup>2</sup> See Abbe's "A Plea for Terrestrial Physics," *Proc. Amer. Assn. Adv. Sci.*, XXXIX (1890), 65-79.



something "practical" with his learning, he replied on December 26, 1865:

... We [i.e. scientists] have nothing to do with teaching these results to young boys but are glad to teach young men how to do similar work. We have not even much to do with making *practical use* of these results — that belongs to another class of men. We do not write books & lectures about our discoveries, only a plain record of what we observed how we reasoned upon the observations and what results we came to. There we stop. Many a time has somebody asked me—But what is the use of all your work, what use in trying to measure the hundredth of a second of time or the distances of the fixed stars. What use! I have nothing to do with that it is not my business. . . . However it is not polite or right or politic for astronomers to thus reply . . .

The important word here is "right". While he was a firm believer in basic research, Abbe did not believe in a science wholly divorced or isolated from applications. In the same letter he announces his intention to found in America "a well equipped 'Astronomical Institution for the investigation of *all astronomical* problems that promise to be of *valuable practical* importance to the world.'" Apparently Abbe's scientific tradition assumed the desirability of a research situation in which pure and applied activities were mixed. What was crucial was that the mixture have the proper proportions of both activities.<sup>3</sup> In Pulkovo he saw a model relationship of theory and practice.

Abbe was unsuccessful in his efforts to establish his "astronomical institution," whose applied aspects were to be in such fields as meteorology and surveying; and at Cincinnati, where he had hoped for a comprehensive program, only meteorology

<sup>3</sup> For a published expression of Abbe's views on the relations of pure and applied research, see his article, "The Relations of Physics and Astronomy to the Development of the Mechanic Arts," *Jour. Franklin Inst.*, 148 (August 1899), 81-120.

materialized. The ambitious ideas he entertained for the Signal Corps "Study Room" and laboratory also reflect the comprehensive picture of a unified study of the heavens and the earth that he brought back from Russia. While he had notable failures because of his refusal to recognize practical obstacles, many of Abbe's achievements as a scientist and as a stimulator of the research of others derive from his broad outlook.

By turning his attention to the founding of organizations and the expansion of existing bodies, Cleveland Abbe was not unlike other contemporary Americans who also tried to embody their schemes and visions in institutions (more typically a corporation than an observatory); such endeavors were common among American scientists of the day. Although the scientific community was small, it was growing faster than organizations were being started to house it; new corporate bodies were needed to foster and conduct expanding research and to provide suitable posts. Since good positions were very scarce, conflicts over vacancies served to aggravate tensions arising out of disputes over priority in discoveries, as well as clashes between different generations and collisions of personality and outlook. From the vantage of the Abbe collection and other manuscripts, the inner world of the scientific community appears to be an intriguing combination of wholehearted cooperation and devotion to ideals and of occasional violent tensions and flareups, both petty and weighty.

Abbe, for example, was at Cambridge during the dramatic student revolt against Louis Agassiz.<sup>4</sup> Some of the leading spirits in the movement (Albert S. Bickmore, A. S. Packard, Jr., and Alpheus Hyatt) were close friends. While the letters in the Abbe papers do not give any clear picture

<sup>4</sup> For details of the episode, see Edward Lurie, *Louis Agassiz, a Life in Science* (Chicago, 1960), pp. 312-318.

of what actually transpired, they do contain many details and expressions of opinion. Among the pertinent material of particular interest are the Bickmore letters. After leaving Cambridge, Bickmore was determined to found a rival museum to steal Agassiz' thunder; the correspondence with Abbe is filled with information on the steps Bickmore took leading to the establishment of the American Museum of Natural History in New York City. Some of Bickmore's letters from the tropics reached Abbe in Pulkovo; they give us a vivid picture of the man—diligently collecting specimens and assiduously pulling strings back home.

Among the noteworthy correspondence dealing principally with astronomy are letters from E. E. Barnard, S. W. Burnham, Alvan Clark, Asaph Hall, S. P. Langley, Simon Newcomb, Edward Pickering, T. H. Safford, and G. M. Searle; and there are also letters of many foreign astronomers in the collection. The documentation for astronomy is perhaps as interesting as that for meteorology. The correspondence relates to both the intellectual and the institutional life of the astronomers. Perhaps one example will serve to illustrate some of the potentialities of the collection for historical research.

In 1870 Simon Newcomb, who was then at the Naval Observatory, asked Abbe (then at the Cincinnati Observatory) to get the other directors of American observatories to sign a petition to place the Naval Observatory under the direction of a competent civilian astronomer. (As Newcomb was the leading American in that field, it is not hard to guess whom he had in mind. The Newcomb papers in the Manuscript Division are a major source for the history of science in post-bellum America.) To the surprise of both Newcomb and Abbe, their colleagues, in a very revealing series of letters, refused to comply. In 1885, however, the National Academy of

Sciences finally asked for a civilian head, but with no success.

The Naval Observatory was erected largely through the initiative of a naval officer, James Melville Gilliss, who was also a competent astronomer. Matthew Fontaine Maury, its first head, was not an astronomer and was accused of neglecting the field; he was also involved in controversies on meteorological questions with Joseph Henry, Secretary of the Smithsonian Institution and a friend of Abbe. Since Maury and Abbe shared common interests, it is not surprising that the Abbe autobiography refers to Maury. What is surprising and important is the context of these references; with suitable emendations they might easily have appeared in a current periodical. In a manuscript, they convey a sense of the persistence in time of certain themes and problems:

... Henry was unselfish to a fault & knew perfectly how to bear quietly the most unkindly treatment from others; I shall never forget an incident that occurred on Sunday, Feb. 2, 1873; during the previous two years Commodore Maury had been lecturing and writing with his accustomed energy in Virginia, Georgia, Tennessee and elsewhere on the importance of combining meteorological and crop reports, and had taken occasion to say things that reflected upon officials at Washington, but falling sick he had died on Saturday, Feb. 1st, 1873. A telegram to this effect reached me on Sunday morning at the Signal Office. An hour later being at church beside Prof. Henry I stated the fact to him; his eyes searched mine as if to say "why did you tell me this?" and then knowing that we both knew what suffering was, he added, "I am very glad that it was you that told me, and that you told me to-day, for now I shall destroy a paper that I intended to publish to-morrow, reviewing his actions who has so often tried to injure me and the Smithsonian." . . .

The Observatory or Depot had been built and equipped during the year 1842 to '45 under the active supervision of Lt. Gilliss who had made himself very familiar with astronomical methods especially those of the English astronomers. When he had completed his work in Feb. 1845, he was relieved from further connection with it, assigned to other duties and replaced by Lt.

Maury who was then as he himself says, entirely without knowledge of astronomical observatory work. Whatever may be said of Maury's Wind and Current Charts, his energetic advocacy of new ocean routes, and his many popular and very readable writings, conceding all that we can to him as a benefactor in meteorology yet it must be acknowledged that in astronomy his supremacy was injurious but, this I shall attribute not to his personality but to the fundamental error committed by assuming that an officer of the Navy by virtue of being an officer and by his training and habits of command is certainly able to direct the work of any institution no matter what its character. While fully recognizing the necessity of executive ability, as we find it so admirably developed in our officers, and their rare ability to adapt themselves to new circumstances and new duties, yet it must always be regarded as a most hazardous experiment to put at the head of an institution a man who is unacquainted with the details of the work to be performed by it and is not at heart devoted to the program of that work but rather to some other allied matter. I think it was a conviction of Maury's ignorance of astronomical work and of the "enimment incongruity of things" that led so many in those days even among the Naval officers, to wish that some expert astronomer had been chosen who could have given dignity to the Navy & the Observatory and value to its early astronomical work. . . .

Nor do I believe it a wise policy for the Army and Navy themselves to endeavor to build themselves up and attain an appearance of activity and a superficial popularity through the country on the basis of work done in any other department except that on the basis of work done for which they were specifically commissioned. The utilization of the Army and Navy during peace times has been propounded in Europe & America as an important political and social question but our country has always settled this matter by requiring that the Army and Navy be reduced to a peace footing, namely, the lowest possible number consistent with proper care of vessels, forts, Indians and other interests; there should be no unoccupied soldiers and sailors for whom we must find an occupation by giving them a [sic] novel duties or honorable positions of ease.

Such thoughts as these were forced upon my attention at every hand during the years 1867-68 that I first spent in Washington and later years have strongly confirmed the convictions then formed that the scientific men throughout the country if they really intend to maintain

the dignity of their profession must take a lead in the scientific legislation of the country. As a rule these men are quiet students of nature and of books in the laboratory and in the observatory; they have little to do with man and most to do with the laws of inanimate nature. They shrink from the ambitions, rivalries and jealousies and deceptions practiced by men among themselves and are only animated by the search for truth; to ask for a position in which they may carry out some scientific research seems to them like asking for a personal favor, and yet they of all others know the wide value of the results that they are aiming at. Thus it happens that the large representation of Army and Navy officers always living at Washington and always cooperating as with a single mind; always well acquainted with Members of Congress and well organized in their own clubs; are continually found offering their services at the right time, ready to carry on some newly proposed work of applied science and if need be employ the shrinking student where ever they can find him, to do the work. The ultimate remedy for this unfortunate state of affairs must consist in a better organization among the patrons and devotees of science, and especially such a reorganization of the executive departments of the government as shall justify Congress and the President in immediately referring questions of applied science to the proper department of industry and applied science. . . .

From the documents in the Abbe papers and related collections in the Library of Congress one can obtain a picture of the tensions in the scientific community that were at variance with Abbe's sincerely held but idealistic concept of scientists quoted above; nor would all of his contemporaries have agreed with Abbe's interpretation of the course of science in the Federal Government during the latter decades of the 19th century. To the modern reader, however, these quotations and other documents in the collection are of interest for the ideas they convey on the motivations of at least one influential scientist, and for the historical perspective they provide on questions usually considered to be topical.

NATHAN REINGOLD  
Senior Research Specialist  
Science and Technology Division

## An Archive—20 Years Later

THE Archive of Hispanic Literature on Tape, a collection of original materials assembled at the Library of Congress, has been described in two articles by this author, which were published in the *Quarterly Journal* in 1957 and 1960, respectively.<sup>1</sup> In the 3 years that have elapsed since the appearance of the second article, this relatively new collection has not only doubled in quantity, but it has engaged the interest of commercial recording companies and is currently the subject of a pedagogic study sponsored by the U.S. Office of Education.

The origin of the Archive goes back to 1943. On November 23 of that year, in the course of a visit to Washington, the late Andrés Bello, the Venezuelan poet, consented to record on a glass disc some of his celebrated poems. This reading was destined to be the incunabulum, as it were, of the present Archive of Hispanic Literature on Tape.

During the ensuing 7 years the number of original recordings grew to 8 (*i.e.*, about 1 a year), which scarcely constituted a "collection," notwithstanding the importance of the poets. (At that early stage only poets were included.) In addition to Bello, there were Pablo de Rokha, Winett de Rokha, and Gabriela Mistral from Chile; Jaime Torres Bodet from Mexico; and Eduardo Marquina, Pedro Sa-

linas, and Juan Ramón Jiménez from Spain.

The Archive contains (at this writing) recordings of the voices of 218 writers from the Iberian Peninsula and from Latin America, who graciously volunteered to read selections from their own works. Each of them was formally invited to join this cooperative project by the Library's Hispanic Foundation. Twenty-six of the writers recorded their readings in Washington studios (at the Library of Congress, the Pan American Union, and the United States Information Agency). The remainder (192) faced the microphone in 15 cities abroad.<sup>2</sup>

All of the recording studios here and abroad allowed their facilities to be used at no cost to the project. Of the studios located abroad, 16 were local institutions, official or private, and 12 were laboratories functioning in the respective American embassies.

During the years 1951–54, 33 poets were added. They recorded not only in the Spanish language but in Portuguese, Catalan, and French. After nearly 4 years of inactivity (so far as acquisitions were concerned), a well-balanced program was developed by the Library in 1958 with the aid of a generous grant from the Rockefeller Foundation. First of all, it was decided that, in addition to poetry, prose be in-

<sup>1</sup> "Iberian and Latin American Poetry on Records," *QJCA* XIV (February 1957), 51–54, and "Hispanic Literature on Tape," *QJCA*, XVII (February 1960), 84–92.

<sup>2</sup> Namely, Barcelona, Bogotá, Buenos Aires, Caracas, Cuzco, Guatemala City, Lima, Madrid, Mexico City, Montevideo, Panama City, Port-au-Prince, Quito, Rio de Janeiro, and Santiago.



THE LIBRARY OF CONGRESS  
RECORDING LABORATORY  
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INSTITUTO DE CULTURA  
PUERTORRIQUEÑA



*Pedro Salinas*

## EL CONTEMPLADO

Poema leído por su autor el 24 de diciembre de 1946  
en la Biblioteca del Congreso (Washington, D. C.)  
para el Archivo de Poesía  
de la Fundación Hispánica en la misma Institución



*Cover for the longplaying disc of Salinas' EL CONTEMPLADO.*



*Rafael Arévalo Martínez recording for the Library of Congress in Guatemala City, 1960.*

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cluded in the emerging "archive." Another important feature of the program was the provision of funds that enabled the Library to commission a member of its staff (in this instance, the writer, as Curator) to visit a number of Hispanic countries. His mission was to arrange in each area for the recording on magnetic tape of selections read especially for the Library by distinguished literary figures.

When the Curator undertook his first trip to Latin America in September 1958 (visiting Argentina, Chile, Peru, and Uruguay), 6 of the 8 poets who constituted the core of the collection had already died: Marquina in 1946, Salinas and Winett de Rokha in 1951, Blanco in 1955, Mistral in 1957, and Jiménez in 1958. Both Mistral and Jiménez, towering personalities of contemporary poetry in any tongue and recipients, respectively, of the 1945 and 1956 Nobel Prize for literature, contributed to the Archive the only recordings of their own poetry that they ever consented to make.

As a consequence of the 1958 acquisitions mission, the number of authors recording their works (both prose and poetry) increased from 40 to 108. The trip was reported in detail in the February 1960 issue of this journal, mentioned in footnote 1 above.

## Mission no. 2

The continued cooperation of the Rockefeller Foundation made possible a second acquisitions mission, which took place from September to November 1960. The countries visited were Panama, Guatemala, and Mexico, in chronological order.

In Panama City the participants and their contributions were as follows:

Ricardo J. Bermúdez, Ana Isabel Illueca, María Olimpia de Obaldía, and Stella Sierra, poems;

Joaquín Beleño, César A. Candanedo, Manuel Ferrer Valdés, Ramón H. Jurado,

José María Núñez, and Gil Blas Teixeira, prose fiction;

Mario Augusto Rodríguez, poems and prose fiction;

Baltasar Isaza Calderón, essays.

Recording studios: USIS (8 recordings), Corporación Panameña de Radiodifusión (3), Red Panamericana (1).

In Guatemala City the program's collaborators were:

Rafael Arévalo Martínez, Flavio Herrera, Francisco Méndez, Antonio Morales Nadler, Werner Ovalle López, and Carlos Samayoa Aguilar, poems;

Carlos Girón Cerna, Pedro Pérez Valenzuela, Virgilio Rodríguez Macal, and Carlos Samayoa Chinchilla, prose fiction;

Ricardo Castañeda Paganini, essay.

All recordings took place at the USIS studio.

Cosmopolitan Mexico City contributed to the Archive 21 native-born writers, 1 Colombian, 1 Guatemalan, 2 Nicaraguans, and 2 Spaniards.

The Mexicans included:

Alí Chumacero, Jaime García Terrés, José Gorostiza, and Marco Antonio Montes de Oca, poems;

Andrés Henestrosa, poems in the Zapotec language and prose fiction and memoirs in Spanish;

Jaime Torres Bodet, poems and memoirs;

Juan José Arreola, Sergio Galindo, Xavier Icaza, and Juan Rulfo, prose fiction;

Rafael F. Muñoz, prose fiction and biography;

Agustín Yáñez, prose fiction, essay, memoirs;

Arturo Arnáiz y Freg, Daniel Cosío Villegas, José Luis Martínez, Francisco Monterde, and Jesús Silva Herzog, essays;

Antonio Castro Leal, essays and memoirs;

Edmundo O'Gorman, essays and biography;

Ignacio Chávez, lecture and orations;

Ángel María Garibay K., lecture with texts of Nahuatl poems.

The foreign-born writers were:

Germán Pardo García (Colombia), poems;

Mario Monteforte Toledo (Guatemala), prose fiction;

Ernesto Cardenal (Nicaragua), poems;

Ernesto Mejía Sánchez (Nicaragua), poems and memoirs;

Agustí Bartra (Spain), poems;  
 Ramón Xirau (Spain), poems in Catalan  
 and essay in Spanish.  
 Recording studios: USIS (14), Universidad  
 Nacional Autónoma de México (13).

### Mission no. 3

A third Library of Congress-Rockefeller  
 Foundation expedition took place in April-  
 June 1961 and covered, in chronological  
 order, Ecuador, Colombia, and Venezuela.

The Ecuadorian phase centered in  
 Quito. In the limited time at our disposal  
 it was possible to meet a cross section of the  
 leading writers of the country as a whole.  
 The new voices were the following:

Miguel Ángel Zambrano, poems;  
 Alejandro Carrión and José Alfredo Lle-  
 rena, poems and prose fiction;  
 Francisco Tobar, poems and essay;  
 Augusto Arias, poems, biography, and  
 travel sketch;  
 Jorge Icaza, prose fiction;  
 Jorge Fernández and Gonzalo Zaldum-  
 bide, prose fiction and essays;  
 Fernando Chaves, prose fiction and mem-  
 oirs;  
 Benjamín Carrión and Jaime Chaves,  
 essays;  
 Galo René Pérez, essays and memoirs.  
 Recording studios: Casa de la Cultural Ecu-  
 atoriana (10), Centro Internacional de  
 Estudios Superiores de Periodismo para la  
 América Latina (2).

In Bogotá, 19 Colombians and 1 Span-  
 iard favored the Archive of Hispanic Lit-  
 erature on Tape:

José Manuel Caballero Bonald (Spain),  
 Eduardo Carranza, Fernando Charry Lara,  
 Eduardo Cote Lamus, Jorge Gaitán Durán,  
 Andrés Holguín, Carlos Martín, Rafael  
 Maya, Héctor Rojas Herazo, and José  
 Umaña Bernal, poems;  
 Juan Lozano y Lozano, poems and ora-  
 tion;  
 Hernando Téllez, prose fiction and essay;  
 Eduardo Caballero Calderón, Fernando  
 Antonio Martínez, Alberto Miramón, Joa-  
 quín Piñeros Corpas, and Ramón de Zu-  
 biria, essays;  
 Luis López de Mesa, Félix Restrepo, and  
 José Manuel Rivas Sacconi, orations.

Recording studios: Biblioteca Nacional (17),  
 Radio Sutatenza (1), USIS (1).

In Caracas, 11 Venezuelans, 1 Ecuador-  
 ian, and 1 Chilean recorded selections from  
 their own works:

Carlos Augusto León, Jorge Carrera An-  
 drade (Ecuador), Juan Liscano, José  
 Ramón Medina, Fernando Paz Castillo, and  
 Rafael Pineda, poems;  
 Ramón Díaz Sánchez and Guillermo  
 Meneses, prose fiction;  
 Arturo Uslar Pietri, prose fiction and  
 essays;  
 Pedro Pablo Barnola, Manuel Eduardo  
 Hübner (Chile), and Augusto Mijares,  
 essays.  
 Recording studios: Radio Nacional (8), USIS  
 (5).

### Additional Recordings

An extemporaneous discussion between  
 two Chilean historians, Francisco Antonio  
 Encina and Leopoldo Castedo, was re-  
 corded in Santiago some time after the Li-  
 brary's representative visited Chile, but it  
 was not incorporated into the Archive until  
 1961. Also added to the collection within  
 the last 3 years are readings taped in Wash-  
 ington, at the Library's invitation, by the  
 following writers:

Rómulo Gallegos of Venezuela, October  
 26, 1960, prose fiction;  
 Octavio Paz of Mexico, March 23 and 24,  
 1961, poems and essay;  
 Alfredo Pareja y Diez Canseco of Ecu-  
 ador, August 24, 1961, prose fiction;  
 Eunice Odio of Costa Rica, December  
 19, 1961, poems;  
 Eugenio Florit, Spanish-born Cuban,  
 April 30, 1962, poems;  
 Fausto Soto of Chile, March 4, 1963,  
 poems.

As pointed out at the beginning of this  
 report, the Archive contains (at this writ-  
 ing) readings by 218 writers from the Ibe-  
 rian Peninsula and Latin America. They  
 represent 22 countries and 7 languages:  
 Spanish, the language common to Spain  
 and Spanish America; Portuguese, the  
 language spoken in Portugal and Brazil;



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*Rómulo Gallegos recording at the Library of Congress, 1960.*



*Octavio Paz recording at the Library of Congress, 1961.*

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Catalan, the Romance language of Catalonia in northeastern Spain; French, the language of Haiti; and three American Indian languages (Quechua, Nahuatl, and Zapotec). It is estimated that the magnetic tapes in the collection contain 150 hours of recording.

### Readings Commercially Published

An interesting development in connection with the Archive was the recent publication by commercial recording companies of two Archive originals. In August 1962, Caedmon Records, Inc., of New York released a longplaying record containing 22 of the poems read by Juan Ramón Jiménez at the Library's Recording Laboratory in the fall of 1949. Sr. Jiménez had signed a contract with Caedmon shortly before his death in 1958.

Also, a reading recorded in 1961 by a Colombian poet, the late Jorge Gaitán Durán, was issued early in 1963 by Radio Station HJCK of Bogotá. Sr. Gaitán Durán, who recorded for the Library of Congress during the Curator's visit to Colombia, died on June 22, 1962, at the age of 37, in a jetliner crash on a trip from Paris to Bogotá. Station HJCK, which is noted for its series of recordings by Colombian poets, secured the publishing rights from the poet's estate.

Another Archive reading available on disc is the late Pedro Salinas' *El Contemplado*, which was issued in 1959 under the joint auspices of two nonprofit organizations, the Institute of Puerto Rican Culture of San Juan and the Library of Congress, with the permission of Salinas' heirs. A second edition appeared in 1961. *El Contemplado* was recorded by the Spanish poet at the Library of Congress on December 24, 1946.

The principle that each author is the owner of the literary property involved in his or her recording is observed by the Li-

brary. Experience has proved that the writers, or their executors, are most cooperative in any effort to have these materials made available to the public.

### Office of Education Project

Soon after the existence of the Archive of Hispanic Literature on Tape became known, educators inquired about its educational possibilities. This public interest, however restricted in numbers, has recently culminated in the program described below.

Under an agreement signed by the Librarian of Congress and the U.S. Office of Education on April 1, 1962, that agency transferred to the Library a sum of money sufficient to permit the Hispanic Foundation to organize the materials comprising the Archive and subsequently to have a study made of their pedagogic utility and to formulate recommendations concerning their educational possibilities. The agreement stipulated that the materials to be examined were to be selected from those in the Spanish language. From a total of 197 readings in Spanish, the Curator selected 158. (The 39 writers not included in the selection have been reserved for the future on the basis of pedagogical considerations.) Collectively, the authors who made the 158 readings recorded 1,412 separate compositions, including poems, short stories, parts of novels, and essays.

Within a short time, a special staff began to organize the materials. A separate binder was prepared for each author, and into it was placed a detailed analysis of each of his recorded compositions. Also, whenever possible, the printed texts of the latter were photocopied. Of the above-mentioned 1,412 items, 1,047 were located, photocopied, and placed in their respective binders. Inventories that had been taken in previous years by listening to the tapes involved were completed and checked for accuracy.

On the basis of the information gathered, which had been checked against the evidence of printed text and recorded word, the Curator prepared a definitive list of all the compositions in Spanish that were read by the 158 authors chosen for the project. This list appeared in the form of a multilith guidebook. At the same time, an index to be used in conjunction with the guidebook was prepared. This index, which is subdivided into tables (Verse, Prose, Genres, Topics, and Individuals as Subjects), was designed to serve as a key to the form and content of the 1,412 selections. These two compilations were submitted to the Office of Education some months ago.

To evaluate the possible pedagogic usefulness of the selections listed in the guidebook, the Hispanic Foundation obtained the consultant services of Dr. Harvey L. Johnson (Indiana University) and Dr. John M. Fein (Duke University). After examining the texts and listening to the tapes, the consultants independently graded

the compositions on a simple scale, according to the style and subject.

As the next step in the program, the Director of the Hispanic Foundation forwarded on February 27, 1963, to a selected list of specialists in universities, research organizations, and related institutions, a letter setting forth the general nature of the Archive and enclosing copies of the guidebook and index mentioned above, in addition to a questionnaire. The questionnaire was carefully drawn to elicit from teachers and others their views on the manner in which taped materials might best be employed to improve or supplement present teaching aids. A total of 127 such questionnaires were distributed. At this writing, 71 replies have been received. Before making preliminary recommendations to the Office of Education, the Foundation hopes to have on hand a considerably larger number of replies.

FRANCISCO AGUILERA  
*Specialist in Hispanic Culture*  
*The Hispanic Foundation*

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# Maps

**T**ECHNOLOGICAL developments in recent decades have facilitated the production of more and better maps and charts. The requirements of a scientific oriented nation and world have also posed new challenges and demands for the surveyor and cartographer. Map-makers in government and in private industry are striving to meet present cartographic requirements and to anticipate demands for new maps and graphics in the exciting days that lie ahead.

The number and variety of cartographic works acquired by the Library reflect the current productive and progressive state of the mapping industry. Total map acquisitions for the report year May 1, 1962, to April 30, 1963, numbering almost 64,000, are slightly greater than they were the previous year. There was a decline, however, of 25 percent in atlas accessions. Gains were recorded for maps from all sources except transfers. The statistical breakdown by source is here presented:

Source	Maps	Atlases
Transfer	22, 288	69
International Exchange	18, 568	74
Government Source	13, 160	61
Purchase	6, 356	346
Copyright	2, 276	201
Gift	821	30
Domestic Exchange	155	0
Total	63, 624	781

## Transfer

Because of the Map Division's more rigid selection and rejection policies, acquisitions received by transfer from Federal

map libraries and mapping agencies, have shown a progressive decline in recent years. Maps in this category are 22 percent fewer in number than they were the previous year, and atlases show a 40 percent drop. Despite the overall decline, transfers accounted for 35 percent of the maps and 9 percent of the atlases acquired this year. An additional 1,350 maps from the transfer backlog of previous years were also processed into the collections. More than 3,000 transfer maps offered to the Library were examined by Map Division personnel and were rejected at the source. By Map Division directive, specified groups of potential transfer material are automatically rejected by the transferring agencies.

To maintain currency in its collections, the Army Map Service systematically weeds out obsolete and superseded maps. Approximately 80 percent of this year's map transfers came from that agency. Significant transfer shipments were also received from the Department of Agriculture, the Bureau of Public Roads of the Department of Commerce, the Interstate Commerce Commission, the Aeronautical Chart and Information Center, and the Post Office Department.

## International Exchange

In last year's report a significant drop in accessions from this source was noted. Much of the loss was recovered this year, however, when 18,568 maps and 74 atlases were received through exchanges with mapping agencies in foreign countries.

This constitutes a gain of 34 percent over last year's figure. International exchanges contributed 29 percent of the cartographic accessions for this year. As reported in previous years, the Library's international exchange program for maps and atlases is conducted through the Inter-Agency Map Procurement Coordination Committee. Geographic attachés, operating under the U.S. Department of State's Coordinator for Maps, represent the Library and other members of the committee in negotiating cartographic exchanges and placing purchase orders for maps and atlases.

Mapping agencies in more than 90 different countries supplied maps on exchange. However, 50 percent of the total receipts in this category were received from four countries. Canada was again the leading supplier with more than 3,000 maps; publications of both Dominion and Provincial mapmakers are included.

Some 2,500 maps received from Chile significantly swelled the total for Latin America, which supplied a fourth of the international exchange accessions. The Chilean shipment included plans of a number of towns and villages. As a geographic attaché was on duty in the region for the entire year, receipts were creditable from a number of Latin American countries; between 100 and 400 items were received from each of the following countries: Argentina, Venezuela, Colombia, Brazil, Mexico, Bolivia, Peru, and Uruguay.

Western Europe continued to be one of the most productive cartographic regions, having supplied one-third of the international exchanges. Sixty percent of the total, however, came from France and Great Britain. Noteworthy shipments were also received from the following countries, which are listed in descending order: Portugal, Spain, Italy, Sweden, Switzerland, the Netherlands, Germany, Ireland, and Poland.

There is an active interest in cartography and maps throughout the continent of Africa, in the new nations as well as in the areas still largely under European influences. Few of the former, however, have as yet established effective scientific surveying and mapping organizations. Thus, although maps were received from more than 20 African states, 60 percent of the total accessions came from Nigeria, Rhodesia and Nyasaland, Kenya, the Republic of the Congo, and the Republic of South Africa.

Japan is the most prolific cartographic publisher in the Asia-Oceania region; it contributed 45 percent of the 1,900 maps received from that part of the world. There is an active and growing interest in surveying and mapping in Australia and New Zealand; these countries supplied some 500 maps on exchange this year.

International exchange maps, originating as they do in a multitude of countries, embrace a wide range of geographical and political coverage. The subject matter presented is also varied and includes virtually every phase of human activity and interest. Descriptions of a few maps, selected at random, may serve to illustrate the diversity and utility of available cartographic resources.

In 1962 the Geological Survey of Canada, in Ottawa, published a revised edition of its *Geological Map of British Columbia*, at the scale of 1:1,267,200. The geological data, which include some 26 formations, were compiled by H. W. Little.

*Ontario Mineral Map*, at the scale of 1 inch to 25 miles, is a 1963 publication of the Ontario Department of Mines in Toronto. Twelve hundred mining properties and mineral occurrences are located on the map and are keyed to an index. To improve legibility, narrow bands of color outline the boundaries and supplement the contrasting colors used to show distribution of the several geological formations.



Seventeen sheets of the *Geological Atlas of British Guiana* are among the interesting accessions from South America. The black-and-white maps, compiled by the Geological Survey of British Guiana during the years 1961-62, are at the scale of 1:200,000. Descriptive data are printed on each sheet.

Two European Communities are the subject of new acquisitions. *Carte administrative des pays membres des communautés européennes* (1960) presents the various countries that are within the European Economic Community (the Common Market); the 1:4,000,000 scale map was compiled in the Statistical Office of the EEC by I. M. Kormoss. Economic resources of the European Coal and Steel Community are mapped on *Wirtschaftskarte der Europäischen Gemeinschaft für Kohle und Stahl*, which was published in 1957 by Agenor, of Frankfurt a/M, Germany.

*Itinéraires internationaux marchandises* maps the principal rail lines of Europe that carry the goods of international trade. The map was compiled by the Direction Commerciale de la Société Nationale des Chemins de Fer Français, and was published in 1962 by the Institut Géographique National in Paris.

Distribution of crops and agricultural land use in Spain is the subject of the *Mapa de cultivos y aprovechamientos*, which was published at Madrid in 1962 by the Dirección General de Agricultura of the Ministerio de Agricultura. The scale is 1:1,000,000. A 23-page booklet, containing descriptive and statistical information, accompanies the map.

The British Ordnance Survey at Chesham, Surrey, England, published in 1962 a *Map of Southern Britain in the Iron Age*. The 1:625,000 scale map shows, with appropriate symbols, pertinent features related to the Iron Age.

*Karta narodov CCCR* maps distributions

of ethnic groups in the Soviet Union. Some 120 different groups are identified in the legend and located on the 1:10,000,000 scale map, which was published in 1962 by the Ministry of Geology and Conservation in Moscow.

The political, economic, and cultural geography of Africa and its several parts are currently popular subjects for cartographers. The population composition of West Central Africa is presented on the *Carte des populations de l'Afrique noire*, compiled by J. C. Froelich and published in 1962 by Documentation Française in Paris. An explanatory booklet accompanies the 1:5,000,000 scale map.

*A Map of Erosion Danger in Africa South of the Sahara* was published in 1962 by the European Economic Community's Commission for Technical Cooperation in Africa. Twenty-three soil types and areas with potential erosion danger are mapped. F. Fournier, Director of the Inter-African Soil Bureau, compiled the map, and the pedologic base was furnished by I. D'Hoore, Director of the Inter-African Pedologic Bureau. The scale is 1:10,000,000. There is an accompanying explanatory booklet by Mr. Fournier.

*Central Ruwenzori* presents the rugged terrain of this east central region of Africa by means of contours and relief shading. Tones of gray, green, and brown bring out the striking contrasts of valleys, ridges, and peaks. The map was published in 1962 by Great Britain's Directorate of Overseas Surveys, and distribution is being made by the Lands and Surveys Department of Uganda and by Edward Stanford, Ltd., of London.

Several maps have been received from the Mineral and Exploration Institute of Turkey. *Coal and Oil Fields of Turkey* (1961), at the scale of 1:2,500,000, shows the existing and potential reserve areas of these natural resources. At the same scale is *Distribution of Mineral Occurrences in*

*Turkey* (1960), on which 44 metallic and non-metallic minerals are depicted. The titles and legends of both maps are in English and Turkish.

Thirty-two soil mapping units, based on the 47 Great Soil Groups recognized for the continent, are presented on the *Soil Map of Australia* (1960), at the scale of 1:5,000,000. It was compiled by C. G. Stephens of the Division of Soils of the Commonwealth Scientific and Industrial Organization in Melbourne.

The New Zealand Department of Lands and Surveys has distributed since 1961 nine preliminary sheets of a 1:250,000 scale map of Antarctica. The maps are based upon surveys made by the New Zealand Geological & Survey Antarctic Expedition during the years 1959-60, and by the Trans Antarctic Expedition in 1957-58, the New Zealand Alpine Club Expedition in 1959-60, and the Victoria University Expedition in 1960-61.

### Government Source

A good recovery was made from the sub-normal totals reported for acquisitions from this source last year. The 13,160 maps and 61 atlases received from official producers comprise 20 percent of the map accessions and 8 percent of the atlases. This represents an increase of 45 percent over the previous year's figure in the map category.

Some 25 Federal map publishers supplied 70 percent of these maps. The five leading producers accounted for 91 percent of the total, however. The Army Map Service, which supplied almost 3,800 maps, was again the heaviest depositor. This number constitutes a creditable increase over last year. The U.S. Geological Survey, principal publisher of domestic maps, deposited 2,100 items. A personal visit by the Head of the Acquisitions Section to the Aeronautical Chart and Information Center resulted in boosting the total from that agency to 1,500 maps. The Coast and

Geodetic Survey and the Naval Oceanographic Office also deposited more than 500 maps each.

Some 1,600 maps were received from official State publishers. The States of California, Oregon, North Dakota, Kentucky, Missouri, and Texas were the major contributors, although accessions came from all parts of the country.

The cooperative program initiated last year by mutual agreement between the Army Map Service and the Library of Congress to procure maps and plans of U.S. cities was continued. More than 1,000 plans of the larger cities were received from AMS through this program, and an equal number of maps of smaller towns and villages, received in response to Map Division requests, were supplied to that agency.

A systematic canvass of planning and industrial development agencies yielded almost 300 specialized maps and also a number of publications that were routed to the general collections of the Library.

Federal deposits include sheets of topographic, geologic, soil, aeronautical, hydrographic, and other standard map and chart series, as well as a variety of special maps. The broad range of subjects covered in the latter group is evident in the several examples here described.

The Bureau of the Census published in 1960 two statistical maps that were designed and drawn by George F. Jenks, Professor of Geography at the University of Kansas. Both maps are at the scale of 1:5,000,000. *Livestock and Livestock Products Sold in the United States: 1959* shows, by the use of varicolored dots, distribution for 11 categories of livestock and livestock products. Distribution of 10 or more crops is shown (by colored dots) on the map entitled *Crop Patterns in the United States*, dated 1961.

The Geological Survey's map called *Olympic National Park and Vicinity*

(1962) portrays the rugged, forested landscape of the Olympic Peninsula in the State of Washington. The map, which is at the scale of 1:125,000, is available in contour and shaded relief editions.

Another 1962 publication of the Geological Survey is a 1:5,000,000 scale map showing *Fluoride Content of Ground Water in the Conterminous United States*. The map, which was compiled by Michael Fleischer, is designed "to meet the continuing need for scientific data useful in controlling dental cavities."

*Land Resource Regions and Major Land Resource Areas of the United States* are shown on a map published in 1963 by the Department of Agriculture's Soil Conservation Service. The scale is 1:10,000,000.

*United States, Showing Principal Meridians Base Lines and Areas Governed Thereby* is a 1962 publication of the Bureau of Land Management.

The U.S. Naval Oceanographic Office (formerly the Navy's Hydrographic Office) published in 1962 a revised edition of its *World Chart* on the Mercator projection. Identified as Chart 1263, it presents the land masses of the world in relief shading with tones of gray. The equatorial scale is 1:52,500,000.

Two attractive and colorful three-dimensional plastic relief models were received from the U.S. Naval Photographic Interpretation Center. *The Basin Relief Model; Mediterranean Sea and Vicinity* (1961) is at the scale of 1:2,000,000, and the *Relief Model; Antarctica* (1960) is 1:11,250,000.

The Geological Survey and the Arabian American Oil Company have jointly produced, during the period 1959-62, a *Geographic Map of the Kingdom of Saudi Arabia* in 21 sheets, at the scale of 1:500,000. The map, which portrays generalized relief by contours and shading, was prepared under the joint sponsorship

of the U.S. Department of State and the Kingdom of Saudi Arabia.

Among deposits from State governments is *The State of Georgia, Showing the Major Campaign Areas and Engagement Sites on the War Between the States, 1861-1865*. This 1:1,000,000 scale map was compiled by J. Harmon Smith and was published in 1961 by the Georgia Department of Commerce.

A *Gentennial Geologic Map of Vermont*, at the scale of 1:250,000, was published in 1961 by the Vermont Geological Survey. The map was compiled and edited by State Geologist Charles G. Doll, assisted by Wallace M. Cady, James B. Thompson, Jr., and Marland P. Billings.

A joint production of the U.S. Geological Survey and the California Department of Natural Resources is a 1:500,000 scale *Geologic Map of Northwestern California*, dated 1960. In addition to geologic formations, the map shows faults, contacts, anticlines, and synclines.

*Traffic Flow Map, State of Wyoming*, was produced in 1962 by the Planning and Research Division of the Wyoming Highway Department in cooperation with the Bureau of Public Roads of the U.S. Department of Commerce. Average daily traffic for 1961 is indicated by numbers and flow bands of varying widths on this 1:1,200,000 scale map.

### Purchase

Ninety-eight percent of available funds were used to purchase foreign maps and atlases that could not be acquired on exchange. With few exceptions, the purchases were made by geographic attachés operating under the direction of the State Department's Coordinator for Maps. Ten percent of the maps and 44 percent of the atlases acquired this year were purchased.

The West European countries, major sources for international exchange, also rank high among the sources of receipts

by purchase. Many of the world's newly established countries are more interested in building up foreign exchange credit than in acquiring United States maps. Consequently, Africa is a major source for cartographic purchases.

Because of the heavy costs involved in compiling and printing atlases, very few such volumes can be procured on exchange. Many atlases, therefore, must be purchased, often at considerable expense. Most cartographic acquisitions from Iron Curtain countries are only obtainable by purchase.

Several new world atlases that have been acquired by purchase are worth noting. *Keyser's Grosser Welt-Atlas*, published in 1962 by the Keyserische Verlagsbuchhandlung, Heidelberg-München, includes more than 350 pages of maps, illustrations, text, and index. The popularity of *Der grosse Bertelsmann Weltatlas*, published in 1961 by the Bertelsmann Verlag of Gütersloh, Germany, inspired publication of this work in other languages. A Finnish version, *Suuri maailman kartasto*, issued in 1961 by the Werner Söderström Osakeyhtiö; and a French edition entitled *Grand atlas international Sequoia*, edited by Pierre Birot, was issued in 1962 by Editions Sequoia of Paris and Brussels. *Meyers Duden-Weltatlas*, a small shelf-size volume, is a 1962 publication of the Bibliographisches Institut of Mannheim, Germany. It includes maps, statistical tables, and a fairly comprehensive index. *Nouvel atlas mondial*, published in 1962 by Stauffacher of Zurich, Switzerland, features a looseleaf binding. The verso of each of the 500 maps included in the volume carries one or more illustrations.

Representative of special subject atlases is Johannes Humlum's *Kultur geografisk atlas* (Atlas of Economic Geography), published in 1961 by Gyldendal of Copenhagen, Denmark. The preface and legends of each of the statistical maps are printed in Danish, German, French, and English. *Grand atlas de la Bible*, another 1962 publi-

cation of Editions Sequoia, includes more pages of text and illustrations than of maps. Several atlases published in countries of the Soviet bloc are welcome additions to the collections. *Geografski atlas Jugoslavije* is a small, general reference and statistical atlas of Yugoslavia, which was edited by Petar Mardesic and Zvonimir Dugacki and was published at Zagreb in 1961 by Znanje. *Atlas Armianskoi Sovetskoi Sotsialisticheskoi Respubliki*, a national atlas of the Armenian SSR, was published in 1961 by the Academy of Sciences in Yerevan. The maps are largely physical and statistical. Temperature analyses for the USSR, based upon records extending from 1936 to 1956, are presented in the *Atlas sutochnykh amplitud temperatury vozdukh v SSSR*. This climatic atlas was published in 1962 by the Central Office of Hydrometeorological Service in Leningrad.

*Atlas skhem zheleznykh dorog SSSR* includes 91 pages of railroad maps in strip format. The names of towns and cities along the railroads, as well as the distances between them, are specified. The atlas was published by Glavnoe Upravlenie Geodezii i Kartografii of Moscow in 1962. *Atlas irkutskoi oblasti* is the first USSR provincial atlas acquired by the Library. It is a cartographic, descriptive, and illustrative presentation of the geography and resources of the Irkutsk oblast. The atlas was published in 1962 by the Geography Department of the University of Moscow. A French view of Russia's history is presented in the *Atlas historique et culturel de la Russie et du monde slave*, which was edited by Pierre Kovalevsky and was published by Elsevier of Paris in 1961. Like many recent historical and cultural atlases, the map pages in this volume are heavily outnumbered by those with text and illustrations.

An addition to the growing collection of national atlases is the *Atlas of Uganda* (1962), compiled under the direction of

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Bruce B. Whittaker of Uganda's Department of Lands and Surveys. Physical, cultural, and statistical maps of the country are at the scale of 1:1,500,000. E. J. Brill of Leiden published in 1961 a facsimile edition, comprising 31 reproductions, of Christian Sgrooten's *Kaarten van de Nederlanden*. The copies were made from Sgrooten's original manuscript atlas of 1573, which is in the collections of the Bibliothèque Royale de Belgique in Brussels. The maps, in a portfolio, are accompanied by a descriptive booklet prepared by S. J. Fockema Andreae and B. van 't Hoff.

### Copyright Deposits

Maps and atlases published by United States commercial companies and private cartographers are customarily registered and deposited in the Copyright Office. After they are recorded, the cartographic materials are transferred by the Copyright Office to the Map Division. The number of items received from this source has fluctuated very little in recent years. The 2,276 copyright maps acquired this year represent a slight increase over comparable receipts reported last year. Copyrighted atlases show a decline from 280 last year to 201 for the present year. Three percent of all maps and 27 percent of the atlases acquired came via the Copyright Office.

Cartographic works deposited for copyright are described in the *Catalog of Copyright Entries; Third Series: Maps and Atlases*, which is published semiannually by the Copyright Office of the Library of Congress. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, for 50 cents a copy or \$1 a year (\$1.25, foreign). Because of this comprehensive listing, only a few representative copyright items are noted here. The first folio (1962) of the American

Geographical Society's *Serial Atlas of the Marine Environment* is a noteworthy copyright accession. This folio, subtitled "Sea Surface Temperature Regime in the Western North Atlantic 1953-54," was prepared by Robert L. Pyle of the U.S. Bureau of Commercial Fisheries.

The American Geographical Society also copyrighted in 1962 a revised edition of its 4-sheet map of *Antarctica*, at the scale of 1:3,000,000. It was prepared for the United States Antarctic Research Program under a grant from the National Science Foundation. The National Geographic Society deposited in 1962 copies of its popular 12- and 16-inch globes, as well as a number of the map supplements issued with the *National Geographic Magazine*. Many copyrighted maps and atlases are designed for recreational purposes. The road maps distributed by the service stations of large oil companies throughout the country comprise a large segment of copyright receipts. The growing popularity of family camping is reflected in several deposits. *Camping Maps*, a 297-page volume containing colored maps, was compiled by Glenn & Dale Rhodes and was published in 1963 by the Macmillan Company of New York; and James A. Bier and Henry A. Raup are co-authors of a *Campground Atlas of the United States and Canada*, published in 1962 by the Alpine Geographical Press of Champaign, Ill.

### Gifts

The statistics for gifts fluctuate from year to year. Most accessions in this group come in response to systematic solicitation programs. A particularly successful program in a given year is reflected in a large number of maps and atlases recorded under this source. In the aggregate, however, gifts account for an insignificant percentage of total receipts, only one percent of the maps and four percent of the atlases belonged to this category in the past year.

Approximately 130 of the gifts are railroad maps received in response to solicitation letters addressed to the major rail lines of the country. Few of the maps received duplicate items in the collections. This points up the need for more procurement programs of this type to secure special subject maps that are designed for particular industries or specific purposes. A number of unsolicited and welcome gifts were received, as in previous years, from generous friends, both within and without the Library.

Volumes 5 and 6 of *Portugaliae Monumenta Cartographica* were received from the Portuguese Government to complete this attractive and scholarly facsimile atlas. Compiled and edited by Armando Cortesão and Avelino Teixeira da Mota, this monumental work was published in Lisbon during the years 1960-62. The first five volumes include reproductions of early Portuguese maps, some in color, and volume 6 is a comprehensive index.

Rand McNally and Company presented reduced facsimiles of the Behaim globe of 1492 and of a pair of globes (terrestrial and celestial) made in 1610 by Nicolus Spirinx. The gores for all three globes were originally reproduced as illustrations for Rand McNally Christmas cards. A limited number of the gores were hand mounted on specially constructed balls to form these colorful facsimile globes.

Mrs. Carleton P. Barnes of Washington, D.C., presented a copy of a Hungarian map entitled *Magyarország gazdasági térképe*, which presents the physical and economic geography of Hungary. The map was presented to the late Carleton P. Barnes in Budapest the day preceding his death. Dr. Barnes, a longtime geographic specialist on the staff of the Department of Agriculture, was serving as the United States representative at the 1962 meeting of the International Geographical Union's Commission on National Atlases.

## Domestic Exchange

The many surplus duplicate maps and atlases to which the Map Division falls heir are distributed by means of domestic exchange channels to libraries and educational institutions throughout the United States. Most of the duplicates are supplied to institutions which participate in the cooperative phase of the Map Division's summer map-processing project. Workers paid by the participating institutions assist in processing the backlog of transferred materials. In return for services rendered, they select duplicate maps and atlases which are sent to their libraries through the Exchange and Gift Division. During the past year more than 40,000 surplus duplicates were so distributed.

Domestic exchange brings to the Library a small but welcome selection of maps and geographic publications, including maps, atlases, monographs, and reprints of articles produced by professional colleagues and associates. Several regional atlases belong to this category. *Atlas of Texas*, by Stanley A. Arbingast and Lorrin Kennamer, was published in 1963 by the Bureau of Business Research at the University of Texas. Nicholas Helburn, Milton J. Edie, and Gordon W. Lightfoot prepared *Montana in Maps*, which was published in 1962 by the Research and Endowment Foundation at Montana State College in Bozeman. A revised third edition (1962) of the *Atlas of the Pacific Northwest* is a publication of the Oregon State University at Corvallis. Richard M. Highsmith, Jr., is the editor and Jon M. Leverence drafted the maps.

## Lunar Cartography

Throughout a long and interesting history, cartography has been responsive to the needs and demands of the time. The exciting era of exploration and discovery provided the stimulus for a progressive

period of mapmaking during the 16th and 17th centuries.

Mobility is a distinctive aspect of 20-century civilization. Man's innate urge to travel over the face of the earth has spurred the invention and development of ever more speedy vehicles of transport; and each successive transportation method has created new cartographic requirements. Mapmakers have responded to produce specialized maps for touring the highways, as well as charts for navigating on the seas and in the air. For no matter what his mode of travel may be, man is interested in knowing where he is, from whence he came, and the course he must follow to reach his destination. For answers to these questions he must have accurate and up-to-date maps and charts.

The Space Age has posed an entirely new series of challenges and problems to the cartographer. Mapmakers have already been at work for several years on these problems, and a number of tangible results of their researches have recently been published. The very real expectation that man will set foot on the moon within the next few years has stimulated and accelerated the mapping of the moon. Three of the leading mapping agencies of the Federal Government, as well as several private map publishers, are actively engaged in lunar cartography. A few of the lunar maps and charts already published are here noted.

One of the first contributions in this field was the *Lunar Atlas* published in 1960 by the Aeronautical Chart and Information Center. The atlas, comprising 280 plates, represents a comprehensive selection of the best available lunar photography from various observatories. It was edited by G. P. Kuiper, with the collaboration of D. W. G. Arthur, E. Moore, J. W. Tapscott, and E. A. Whitaker.

The *Photographic Lunar Atlas*, a civilian edition of the above work, was published

in 1960 and was distributed by the University of Chicago Press. To keep abreast with rapidly advancing research, a series of supplements to the atlas was projected. Supplement no. 1, *Orthographic Atlas of the Moon*, published by ACIC in 1961, contains photographs that carry the lunar orthographic grid from a control net of 5,000 points and the latitude-longitude projection at intervals of two degrees. The second supplement, issued under the same title in 1962, presents "rectified photographs of the limb areas, i.e., with the foreshortening removed by projection of the selected photographs on a large white sphere and the photography of the sphere normal to its surface."

The Aeronautical Chart and Information Center is also engaged in compiling a series called *Lunar Aeronautical Charts* (LAC), at the scale of 1:1,000,000. Eighty-four sheets will be required to show the half of the moon that faces the earth; for the entire surface of the moon 144 sheets will be needed. Eight charts in this series, dating from 1960, had been received at the time of this writing. Surface topography is portrayed by a combination of contours, relief shading, and color variations.

The Army Map Service is also engaged in lunar cartography. Its *Pictorial Lunar Map* (1961), which is on the orthographic projection at the approximate scale of 1:5,000,000, is a colorful and attractive shaded relief presentation. It clearly portrays the seas, prominences, and craters of the visible half of the moon. *Topographic Lunar Map* (1960), another publication of the Army Map Service at the scale of 1:5,000,000, is projected as a 2-sheet map of the moon's visible surface. The eastern sheet is the only one issued to date. The central part of the moon's surface that is visible to the earth is presented in enlarged detail on the "Mare Nectaris-Mare Imbrium" sheet of the AMS 1:2,500,000

*Lunar Map* of 1962. It is available in contour gradient tint and in shaded relief editions. A complete list of lunar names is printed on the verso of the map sheet. A small plastic three-dimensional relief map in color, entitled *Mare Nectaris and Vicinity*, was published by AMS in 1961 at the scale of 1:5,000,000.

A *Geologic Map and Sections of the Kepler Region of the Moon* (1962) was the first in a series of geologic maps, at the scale of 1:1,000,000, to be prepared by the Geological Survey for the National Aeronautics and Space Administration. The mapping, which was done under the direction of R. J. Hackman, was accomplished by a combination of stereoscopic examinations of photographs, telescopic observations, and analyses of brightness changes measured with a microdensitometer. This series is designed to show the distribution and relative age of lunar geologic units and the major structural features of the area. In May 1963 the Geological Survey published *Geologic Map and Sections of the Letronne Region*, the second in the 1:1,000,000 series of geological maps. This sheet, prepared by C. H. Marshall of the Survey's field office at Flagstaff, Ariz., shows approximately 100,000 square miles of the moon's surface. The distribution and relative age of lunar geological units and major structural features are mapped in color.

Space Craft, Inc., of Harbor City, Calif., has published a three-dimensional plastic relief model of the moon. The visible portion of the moon is presented on a spherical surface, and the craters, peaks, mountain ranges, valleys, and plains are

indicated in raised relief. The map measures 16 by 20 inches.

Rand McNally's Geo-Physical Department placed on the market in 1963 a *Relief Model of the Moon* at the scale of 1 inch to 30 miles. The model, which also shows only the half of the moon that faces the earth, is 6 feet in diameter and 3 feet in height. It is patterned after a model in the Adler Planetarium in Chicago and presents supplementary data from the Aeronautical Chart and Information Center, the Army Map Service, and the Lunar and Planetary Laboratory at the University of Arizona. The model is hand-laminated in durable fiberglass and epoxy and is painted to simulate the appearance of the moon under optimum viewing conditions.

These examples comprise the advance guard of a new and dramatic phase of cartography. They are evidence that map-makers are alert to the challenges of the Space Age. The existing lunar maps and others that are projected or in process will guide the astronauts to their objective and will help them to explore the rugged surface of our celestial neighbor. And, as reported in the March-April 1963 issue of *The Military Engineer*, a significant task of the first landing crew will be to record geologic data on previously prepared topographic maps of the region surrounding the touchdown point.

WALTER W. RISTOW  
Chief, Map Division

Assisted by:  
CATHERINE I. BAHN  
Head, Acquisitions Section  
Map Division

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# Law

**A**DDITIONS that have been made to the Law Library's collections during the past year are described in the following report, which is presented according to the geographic areas covered by its several divisions. The authors of the individual sections are as follows:

American and British Law: Walter H. Zeydel

Hispanic Law: Helen L. Clagett

European Law (including laws of former African colonies):

Albania: Kemal A. Vokopola

Bulgaria: Ivan Sipkov

Czechoslovakia: Stefan Kočvara

European Communities: Ivan Sipkov

France: Kemal A. Vokopola

French colonies (former) and the French Community: Kemal A. Vokopola

Poland: Peter Siekanowicz

Rumania: Virgiliu Stoicoiu

The Soviet Union: Domas Krivickas

Near East and North Africa: Zuhair E. Jwaideh

Far East: Tao-tai Hsia and Sung Yoon Cho

## American and British Law

### *United States*

Although approximately 9,000 new law books and pamphlets were added to the American law collection during the year, there is no volume among them that is distinguished for its rarity.

Of special interest to the Law Library, however, is the newly published *Current State Legislation Index*, a joint under-

taking of the American Bar Foundation and the Bobbs-Merrill Company, which will serve as a useful reference tool. For many years, law librarians have been frustrated in their efforts to provide ready reference service regarding current State legislation. The only service that attempted to supply this need was not complete in its coverage and was, furthermore, prohibitive in price. This index, which is published biweekly during the 6 legislative months of February through July, is designed to provide up-to-the-minute information on legislation for all 50 States as soon as it is enacted. The information assembled is made possible through the cooperative assistance of the staffs of State legislatures, State libraries, and legislative service agencies. The utilization of electronic computers in the production of the index makes possible its creation and dissemination in record time; it is probably one of the first examples of the use of data retrieval in the field of law. Provision is also made for supplying single copies of newly enacted legislation. Seventeen States have agreed to make available copies of their enacted statutes; and photocopies of indexed legislation of the remaining States will be provided to subscribers by the American Bar Foundation at a nominal charge.

Another new publication of special interest is the 2-volume compendium entitled *Constitutions of the United States, National and State*, which fills a long-standing need for a comprehensive reference tool in the field of State constitutional

law. This work, containing the texts of the Federal Constitution and those of the 50 States, is the result of the efforts of the Legislative Drafting Research Fund of Columbia University and of many other collaborators too numerous to mention. This 1962 compilation serves as a companion piece to the *Index Digest of State Constitutions* which appeared in 1959.

The magnitude of the task of assembling the 51 constitutions for this collection precluded the inclusion of extensive supporting material. This deficiency has been corrected, in great measure, by the *Index Digest*. The fact that the main volume has been produced in post-binder form makes it possible to insert future amendments or other changes in any particular constitution and serves the longfelt need of a perpetually current volume of Federal and State constitutions.

The major concentration of effort in developing the half-million volume collection of American law books was directed toward bringing up-to-date the American looseleaf services. A still-incomplete census of this form of law publication, which is being undertaken by the American-British Law Division, has already shown that present holdings of these services number nearly 500. All categories of legal printings are represented, namely, codes, court reports, session laws, treatises and monographs, and form and practice works, as well as the comprehensive services that provide full legal annotation and documentation on a given subject.

#### *British Commonwealth of Nations*

The Law Library was fortunate enough to purchase at auction last January six rare items from the library of the late Maja Leon Berry, who was Vice Chancellor of the Court of Chancery of the State of New Jersey from 1927 to 1934.

These publications, all of which pertain to British law, were, with one exception,

published in the 17th century. The list, by short title, follows:

- Blackstone, William. Reports of cases determined in the several courts of Westminster Hall. From 1746 to 1779. Oxford, 1781. 2 vols. First edition: Eller 225
- Ellesmere, Thomas Egerton, Lord. Certain observations concerning the office of the Lord Chancellor. . . . 8vo. London, M. Wallbanck, H. Twyford, J. Place, 1651. Wing E539
- F., J. The laws discovery . . . 4to. London, R.I. for G. B., 1653. Wing F40
- Gt. Brit: *Laws, statutes, etc.* Statutes. In this volume are conteyned the statutes, etc. (H. iii-I H. viii) . . . Folio. Black letter [London, T. Marsh] 1577. Beale S30
- Robinson, Henry. Certain proposals in order to a new modelling of the lawes. . . . Small 4to. London, M. Simmons, 1653. Wing R1669
- Rules and orders for the court of the Upper Bench. . . . Small 4to. London, A. Roper, 1655. Wing R2250

Of the six volumes purchased, only two have actually been received by the Law Library and can be described here. The other four will be noted in detail next year.

The first is:

*The Laws Discovery: Or, a Brief Detection of sundry notorious Errors and Abuses Contained in our English Laws, whereby Thousands are Annually stript of their Estates, and some of their Lives.* London, Printed by R. I. for G. B., 1653. 8 p. (See illustration.)

The anonymous author of this little tract identifies himself on the title page as "a Well-wisher to his Countrey," but a note to the "Courteous Reader" is signed "J.F.," with an added note to the effect that "The author was a Gentleman born to a fair estate, by degree a Barrester [sic], who partly through sickness, and partly for Conscience deserted the Profession of our Laws as Epidemically evil; he spent divers of his last years in supervising the defects thereof . . ."

Among the grievances he speaks of are:

1. The need for a register in every shire of all leases, bargains, conveyances, statutes, judg-

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DISCOVERY:

Or a Brief Detection of sundry notorious  
Errors and Abuses  
Contained in our English Laws,  
whereby Thousands are Annually  
stript of their Estates, and some  
of their Lives.

By a Well-wisher to his Countrey.



LONDON:  
Printed by R. I. for G. B. 1653.

*Title page of a rare legal treatise written by "J. F." (London, 1653).*

CERTAINE  
**PROPOSALS**  
 IN ORDER  
 To a new Modelling of the  
**L A W E S,**  
 A N D  
**Law-Proceedings,**

*For a more Speedy, Cheap, and E-*  
*quall Distribution of JUSTICE through-*  
*out the COMMON-WEALTH.*

Amongst which, besides others, is briefly Ar-  
 gued the great inconvenience which arises,

1. From the distinction of Courts of Common Law and Chancery.
2. By Extremous Verdicts, Orders, and Decrees.
3. By the Judges, Juries, and Perjurors not being lyable to make full Restitution unto such as are injured by their Perjury, or Erroneous Judgements; together with their Remedies.

AS ALSO:

Certaine Considerations for the Avancement of Trade and Navigation. Humbly propounded unto the Supream Authority the Parliament of the Commonwealth of ENGLAND: By

*Henry Robinson.*

LONDON: Printed by M. Simmons in Aldersgate-  
 Street, 1653.

Title page of Henry Robinson's CERTAINE PROPOSALS (1653).

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ments, recognizances, etc. which are concerned with interests in land.

2. That some relief be accorded persons who cannot afford bail and are consequently imprisoned for long periods before trial. [Incidentally, although this was written more than 300 years ago, the situation is currently receiving attention by the courts. As recently as May of this year, the Judicial Conference of the District of Columbia recognized the difficulty involved and voted to set up an experimental program in the District Court for "selective pretrial release of defendants on their personal bond." This decision was made on the basis of reports of the Committee on Bail Problems of the Conference.

The same principle was laid down by Chief Justice Warren in the case of *Richard E. Leigh v. United States*, 82 S. Ct. 994, May 11, 1962, regarding an application for bail pending disposition of the applicant's case in the Court of Appeals for the District of Columbia Circuit. The facts were that the applicant had been incarcerated for more than a year following conviction on charges of forgery and of uttering a false check; his conviction had not been reviewed by the Court of Appeals and his appeal was said not to be frivolous. The Chief Justice, in making an independent examination of the case, said that bail is to be denied "only in cases in which, from substantial evidence, it seems clear that the right to bail may be abused or the community may be threatened by the applicant's release."]

3. That a creditor for the purpose of securing his debt have the right to charge the heir and executor of the debtor jointly, it being uncertain which is better able to pay.

4. That no person be held on bail who has offered to settle without suit.

5. That trial by combat be discontinued as a means of settling disputes. [This form of trial, incidentally, was not formally abolished in England until 1818.]

The full title of the second book to be noted is:

Certaine Proposals in order To a new Modelling of the Lawes, and Law-Proceedings, For a more Speedy, Cheap, and Equall Distribution of Justice throughout the Common-wealth . . . London: Printed by M. Simmons in Aldersgate-Street, 1653. 26 p. (See illustration.)

The author, Henry Robinson (1605?-1664?), was a merchant who was known

for his controversial writings on economics. The *Dictionary of National Biography* states that "his literary activity was remarkable, both in quality and extent." The article continues: "He was perhaps the first Englishman to enunciate with clearness the principles of liberty of conscience; he propounded elaborately schemes of legal reform, and his writings on trade are even now deserving of careful attention."

This monograph contains 23 proposals or suggestions for improving legal procedure as it existed during the Interregnum. An introductory statement addressed to the Parliament of the Commonwealth in rather caustic language expounds the theory that men would be better governed by eternal moral law than by the common law and written law. It continues with an indictment of the delays and procrastinations of court procedure in the common law and chancery courts, and the lawyers also are criticized. As a remedy he proposes a consolidation of the common law and equity courts, with the following explanation: "The having so many several sorts of Courts, especially one differing from, and condemning what the other Judged to be just and righteous, doubtlesse was not onely one of our Tyrants stratagems to keep the people in vassalage; but the Lawyers great Engine to make more work for themselves."

In this same vein, he continues: "The truth is, the Common Law is extravagant enough, to say no worse of it, but to flye therefore into the Chancery is a remedy worse than the disease, leaping out of the Fryingpan into the fire is not so bad. The Common Law, if our Attorneyes were true to us, would not keep us long in purgatory, but of the torments of Chancery you must have good luck if you find either end or respite, to doe you good; and your adversary must want money to fee Lawyers,

enough to confound the Cause, and muddy the waters, as they doe usually, that a Register (who doubtlesse made more Orders then the Judges) seldome gets fast hold thereof, though he make a hundred Orders at his pleasure."

The bibliographic holdings of the division have been enhanced by the acquisition of copies of the *Catalog of the Hampton L. Carson Collection Illustrative of the Growth of the Common Law in The Free Library of Philadelphia* (2 vols., Boston, G. K. Hall and Co., 1962). Although the catalog contains some entries pertaining to American law, the great majority of the books listed are concerned with English common law published in Great Britain; thus, it is mentioned in this section covering the British Commonwealth rather than in the American section.

Hampton Carson was born in Philadelphia in 1852 and, during his distinguished career, established a reputation as an outstanding member of the bar. He served as a professor at the Law School of the University of Pennsylvania, as Attorney General of his native State, and as President of the American Bar Association. Even as a youth, he was interested in the study of legal history, and in her preface to the catalog, Ellen Shaffer says: "The history of the Common Law he [Carson] viewed as an orderly progress through the centuries; Magna Charta was the first great expression of the Common Law—from it the American Constitution had been derived, and the state constitutions in turn had stemmed from the national constitution."

Because of his interest in the history of the common law, Mr. Carson began to collect books on the subject, and the collection he built over a period of 45 years was presented to the Free Library of Philadelphia in 1927. It includes material published from the 13th through the 20th century, with particular emphasis on the

16th and 17th centuries, and it is probably the most comprehensive collection of its kind ever to be assembled by any one person.

The collection, numbering about 10,000 titles, including yearbooks, abridgments, records, statutes, reports, and state trials, as well as first and later important editions of such legal classics as Glanville, Bracton, Littleton, Coke, Hale, and Blackstone. It is further enriched with books on history, biography, and the social sciences that reflect the growth of law over the ages to keep pace with changing periods of development.

Association pieces also play an important part; for instance, the collection contains Hale's copy of Rolle's *Abridgment*, a copy of Fitzherbert's *Abridgment* which graced the library of John Dickinson, a signer of the Declaration of Independence, and a copy of *Pitcairn's Criminal Trials of Scotland*, once part of the library of Charles Dickens.

The Carson collection also contains about 100 manuscripts including 13th-century copies of the Magna Carta and 19th-century commonplace books and memorabilia of leading American jurists, besides a collection of over 2,000 letters of English and American lawyers and 10,000 prints of persons and places relating to law.

Political developments with respect to British colonies in Africa, noted in last year's report, continue to grow, and, as a result of renewed interest in this area, new volumes which are useful for a better understanding of their legal systems, especially the part that customary or tribal law plays, are appearing with greater frequency.

*Judicial and Legal Systems in Africa* (London, 1962), edited by Antony N. Allott, was issued as no. 4 of *Butterworth's African Law Series*. This volume covers West Africa, East Africa, Central Africa, and the High Commission Territories, and



it includes material for the following member nations and colonies of the British Commonwealth: Basutoland, Bechuanaland, Gambia, Ghana, Federation of Rhodesia and Nyasaland, Kenya, Nigeria, Sierra Leone, Swaziland, Tanganyika, Uganda, and Zanzibar.

For each nation mentioned, an outline of its legislation and courts system (including the kinds of courts, their composition, jurisdiction, and law to be administered) is given.

An understanding of the correlation in Africa of English common law with indigenous law that applies customary law and Islamic law has been difficult for persons unfamiliar with African local or tribal law. A book entitled *British Colonial Law* (London, 1962), by T. Olawale Elias, who is described on the title page as Federal Attorney-General and Minister of Justice for Nigeria, attempts to clarify the problem. Briefly, the volume seeks to discover "what the apparently piece-meal legal systems in the British overseas dependencies have in common, in what respects they differ, and why they differ not only from one another, but also from the imported English law."

The treatise contains detailed consideration of the legal problems involving the interaction among English, indigenous, and Islamic laws and includes an explanation of the systems of the courts, the appointment and removal of colonial judges, the limits of operation of indigenous law in its relation to English and enacted law, specific offenses within colonial criminal law, cases of actual conflict of law in the different territories, similarities and differences between English and Colonial rules of evidence and procedure, and practical problems of codification and other methods by which legal development should be handled in British colonies.

Although the British system of common law, as such, was introduced in the African territories when they were settled, in-

digenous or customary law has also been retained to a considerable extent, especially with respect to land tenure. Some English jurists advocate a gradual elimination of customary law with respect to land holding, but the greater number, according to P. C. Lloyd, author of *Yoruba Land Law* (London, 1962), recommends the development of customary law by the processes of common law and by the exposition of the law by the judges whose *dicta* are recorded in published reports. They oppose a codification of customary law, says Lloyd, "on the grounds that in a rapidly changing country it may soon become out of date and thus be a hindrance to further development."

This treatise discusses the theory of land tenure as it exists under the Yorubas, an ethnic group occupying the northwestern portion of Nigeria. Although the author is an anthropologist, he states that his methods in conducting his research were not unlike those of a lawyer studying land law. As a basis for his research, he selected four Yoruba towns and lived in each one for 3 months. While there, he investigated their social and political structure and obtained material for the study of the law of each area from three sources, *i.e.*, from interviews with informants, from the records of the customary courts, and from government files, local government council minutes, and other official documents. He also read all available land cases heard both in native courts of the towns and in native courts of appeal for the division, covering approximately 5,000 cases. This is proof positive of scholarly research methods.

The author expresses the hope that his book may be responsible for new interpretations of Yoruba land law in disputes that may arise in the future and thereby become a major factor in the development of the law on this subject.

### Hispanic Law

Two early imprints acquired by the Law Library are worthy of special note. One

is a posthumously published first edition of a 15th-century manuscript by Pedro Belluga, entitled *Speculum principum . . . quo regaliū, amortizationum, fiscalium, vsurarum, decimarum & omnium grauaminum . . .* (Paris, [Pierre Vidoue] 1530), comprising 233 folios. (See illustration.)

Dr. Belluga held a number of important legal posts in the mid-15th century at the courts of Alfonso V ("the Magnanimous"), King of Aragon, and of his brother and successor, Juan I of Navarre and II of Aragon. When King Alfonso conquered the Kingdom of Naples around 1435 and proceeded to develop a flourishing cultural center of Renaissance style, many eminent authors and artists were attracted to the kingdom, particularly men from Valencia and Catalonia. Among them was Dr. Belluga, who was persuaded by the King to come to Naples and take a post as his personal counselor. It was there, during the years 1437-41, that Dr. Belluga compiled his famous compendium of legal principles, which served as a guide and handbook for the rulers, judges, and lawyers.

By a decree of the French parliament dated December 10, 1529, a lawbook publisher and law librarian of the University of Paris, Galliot du Pré, was permitted to publish Dr. Belluga's manuscript, with exclusive publication and sale rights for a period of 3 years. At least five other editions appeared in Europe in the late 16th and early 17th centuries.

Palau's bibliography (No. 27025) lists one known copy of this first edition in the Biblioteca Capitular Colombina in Seville; and the National Union Catalog records no copies in any other libraries in the United States.

The second item is a paperbound folio of 24 pages entitled *In causa Hispalen. Prouincialatus Eremitarum Sancti Augustini* (Madrid, 1641). It was also written in the Kingdom of Naples by Agostinho Barbosa, a jurist and prelate, who was a Portu-

guese national but who was sponsored by a Spanish ruler, Philip IV.

Following the revolution of 1640 which separated Portugal from Spain, Dr. Barbosa chose to remain loyal to the Spanish king. As a recompense for his action, King Philip awarded him a bishopric in the Kingdom of Naples.

Dr. Barbosa is the author of numerous well-known legal and canon law works, as well as a Latin-Portuguese dictionary. The item acquired by the Law Library is a brief, written in defense of one of the members of the Hermit Order of St. Augustine, to permit him to hold an office to which he was elected in Granada. It contains numerous allegations, arguments, and justifications based upon cited authorities. No other copy of this particular brief is listed in the National Union Catalog, although it may possibly be included in one of Barbosa's collected works.

### Albania

Legal materials from Albania, as in the previous year, reached the Library regularly. This is true particularly of periodicals, monographic series, the official collection of laws, and law gazettes. Among the noteworthy monographs is Dh. Dhima's *Kushtetuta e republikës popullore të Shqipërisë* (Tiranë, 1960). This revised edition of the constitutional organization of Albania, which follows a similar study by the same author but is written for use in schools, is intended to propagate the "democratic principles" of Albanian constitutional law under the Communist regime. In so doing, it also surveys the constitutional enactments from the very inception of the modern Albanian state. In some instances, the author, who was a judge before the Communist regime, is very critical of the fundamental law in force during the period of the Kingdom and condemns especially that part of it which dealt with human rights and civil rights by stating that such



Title page of the first edition of Pedro Belluga's SPECVLVM PRINCIPVM (1530).

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were granted only on paper. The book is useful in its comparison, through analysis and examination, of all the fundamental acts of the Albanian state, although this is of course done from the Communist viewpoint.

Consisting of 221 pages, the book is divided into four parts. The first part is a short survey of information on the doctrine of state and law. The second, which is the most interesting part of the book, deals with the constitutional acts issued before the People's (Communist) Revolution. The third part deals with constitutional acts and their effect during the People's Revolution. And finally, the fourth part, which occupies most of the book, contains the present constitutional organization in the People's Republic of Albania and also provides several charts showing the functioning of the various branches of the Government.

### Bulgaria\*

As of January 1, 1963, the Bulgarian official law gazette was renamed to bear its original title, *Dŭrzhaven vestnik*.<sup>1</sup>

The Constitution of April 16, 1879, adopted after the liberation of the Bulgarian lands from Turkish rule, provided that a law, in order to have force and effect, must be published. Three months later, by Edict No. 12 of July 19, 1879, the first Bulgarian Prince created an official law gazette for the publication of the "Prince's edicts and all resolutions and regulations of the Government, as well as any official announcement by, information on, and decision of a Government agency and office." The first issue of this gazette appeared on July 28, 1879, under the title *Dŭrzhaven vestnik*, and the second on August 4, 1879.

\*Unless otherwise stated, publications mentioned in this section were issued in Sofia.

<sup>1</sup>I. Sipkov, *Legal Sources and Bibliography of Bulgaria* (New York, 1956), p. 23.

This title, to which the heading "Kingdom of Bulgaria" was added on May 26, 1926 (issue No. 42), appeared on the publication for 68 years, until September 14, 1946 (issue No. 210). On that date Bulgaria was proclaimed a republic, following the referendum of September 9, 1944. Since September 16, 1946 (issue No. 211), this gazette has appeared under the same title but the heading has been changed to "People's Republic of Bulgaria."

The Constitution of the People's Republic of December 6, 1947, provided that "after being passed by the National Assembly, each law shall be . . . published in *Dŭrzhaven vestnik*." The volume numbering, which began with the adoption of the first Constitution of 1879, was continued up to volume 72. The last issue to bear this title and heading was No. 169 of July 19, 1950. Suddenly, issue No. 170 of July 20, 1950, appeared under "Year VII," a designation that apparently indicated the number of volumes published after the seizure of power by the new government on September 9, 1944. This series ran to No. 282 of November 30, 1950. By Edict No. 624 of November 30, 1950, of the Presidium of the National Assembly, *Dŭrzhaven vestnik*, the Bulgarian official law gazette, was renamed *Izvestiia na Prezidiuma na Narodnoto Sŭbranie* and was completely changed in its format as well as its content; and after December 1, 1950, beginning with "Year I, issue No. 1," it appeared under this new title and was captioned by the slogan "Proletarians of the World Unite." This lasted until December 28, 1962, "Year XIII, issue No. 105," when by Edict No. 575 of December 8, 1962, of the Presidium of the National Assembly, the gazette was renamed to bear its original title, *Dŭrzhaven vestnik*, and as of January 4, 1963 (issue No. 1) it began to appear as an official organ of the National Assembly. The slogan "Proletarians of the World Unite" was dropped.



The former *Dürzhaven vestnik* appeared daily, except Sundays and holidays, and was divided into two parts: an official part containing all laws, edicts, resolutions of the Cabinet, ordinances, and the like, and an unofficial part providing judicial, commercial, and private announcements, legal notices of various kinds, and other governmental communications. Occasionally, supplements (*přitutki*) were issued, bearing the same number and date as the original issue. These were used for the rapid publication of important legislative enactments.

The law gazette, *Izvestiia*, appeared on Thursdays and Fridays, and consisted only of official material. Supplements to *Izvestiia*, containing announcements and legal notices, appeared irregularly and under separate numbers and dates until January 1, 1957; after that date, the supplements continued to be issued irregularly, but their numbering and dates corresponded to the issues of *Izvestiia* to which they were attached.

The new gazette, *Dürzhaven vestnik*, appears every Thursday and Friday, but it is also published on other weekdays whenever the need arises. It is divided into two sections: an official section comprising the acts of the National Assembly, the Presidium, the Council of Ministers, all ministries and agencies, and the people's councils; and an unofficial section which includes various announcements.

Among the new acquisitions which were added to the Bulgarian law collection during the past year, the following items deserve special mention.

The decisions of the Bulgarian Supreme Court of Cassation from its creation in 1880 up to 1897, i.e., during the first 16 years of its existence, were compiled by the secretaries of the court, D. Isaiev and V. Zh. Perfanov, and were published in *Grazhdansko sudoproizvodstvo s tulkuvaniata mu ot Vürkh. Kassats. Süd ot 1889-1897*

(1897). This work represents the first attempt to compile and systematize the earliest decisions of the highest court which relate to the application of the Code of Civil Procedure on an article-by-article basis.

Turkish rule over the Bulgarian lands was terminated by the Russo-Turkish War of 1877-78. The Treaty of Berlin (July 13, 1878), which marked the end of the war, established a Bulgarian Principality of the Balkan Range under the nominal suzerainty of the Sultan, as well as Eastern Rumelia as part of the Ottoman Empire but with administrative autonomy. In 1885 the Principality of Bulgaria and Eastern Rumelia merged into one political unit, which declared itself an independent kingdom in 1908.

In the Principality of Bulgaria, the Russian Government and military administration introduced a Provisional Regulation for the Organization of the Administration of Justice in Bulgaria of August 24, 1878, which was approved by the Imperial Commissar, Prince A. M. Dondukov-Korsakov. Soon thereafter, pursuant to the Treaty of Berlin, the Constitutional Assembly convened in Tirnovo, the medieval capital of Bulgaria, and adopted on April 16, 1879, a basic law of the country, known as the Tirnovo Constitution.

The Russian High Commissar, who provisionally administered the country after its liberation, issued procedural rules for the courts; these were gradually replaced by regularly enacted laws, however. In the field of organization and procedure of the courts in civil law matters, the newly established Bulgarian Government introduced on February 8, 1892, a Code of Civil Procedure, drafted after its Imperial Russian counterpart of 1865, which was strongly influenced by the French Code.

The Isaiev-Perfanov compilation of decisions of the Supreme Court of Cassation, even though limited to those related to the

implementation of the civil procedure rules during the early years of the newly established Kingdom, represents a valuable achievement.

The work of the Russian professor of law, Pavel Nikolaevich Miliukov, entitled *Bŭlgarskata konstitutsiia* (Salonika, 1905) and translated from Russian by V. Paskov, represents an interesting acquisition. Its first chapter contains an extensive analysis of the intricate history of the preparation and adoption of the Bulgarian Constitution of 1879. The author emphasizes particularly his observations on the efforts of the Bulgarian representatives to eliminate from the constitutional text every element that would show any dependency upon, or influence by, the Turkish or Russian administration. Thus, they added the three colors of the Bulgarian flag to the coat of arms originally designed by the Russians and replaced a great number of Russian terms, such as *ustav*, *guberniia*, and similar ones, with Bulgarian words, namely, *konstitutsiia*, *okrŭg*, etc. In the second chapter, the history of the Bulgarian political parties is described in detail, including their creation, splits, and coalitions, as well as their role in the political life of the country. The last chapter is devoted to Bulgarian constitutionalism as practiced during the reign of the first Bulgarian Prince.

A "special part" of the present Bulgarian administrative law is treated in *Administrativno pravo na Narodna Republika Bŭlgariia; spetsialna chast* (1960), a collective effort by academician Petko Stainov, who was the first of the legal writers to stress the development and importance of administrative law in Bulgaria,<sup>2</sup> and by a professor of law, Angel S. Angelov. It completes their work of 1957 in which they discussed the general problems of this branch of law.<sup>3</sup>

This new study, based on the normative material in force on July 15, 1960, analyzes the individual branches of government administration in the political sector (foreign affairs, state security and public order, and national defense), in the economic sector (industry, agricultural households, power sources and natural resources, commerce, transport, communications, and building construction), and in the social sector (planned development of the inhabited areas and communal economy, education and culture, and health and social welfare).

Various aspects of the housing problem are discussed from a legal point of view in *Pravoto i zhilishtniat vŭpros* (1962), published under the auspices of the Institute of Legal Sciences at the Bulgarian Academy of Sciences. This work consists of several extensive studies devoted exclusively to housing, which were contributed by prominent Bulgarian legal writers. A general survey, by academician L. Vasilev, on the role of socialist law dealing with housing problems in the People's Republic of Bulgaria precedes the special studies. The publication of this symposium is an outstanding contribution to this branch of law, but the task of the researcher would be vastly facilitated if it contained a subject index.

The first attempt to cover judicial practice in the field of labor since the introduction of a new Code of Labor on November 17, 1951, was made by Dimitur Zlatinov and Dimitur Mirkov in their work entitled *Sŭdebna praktika po trudovi dela, 1955-1960* (1960). This collection comprises 371 decisions issued during the years 1955-60, some of which are published for the first time, and it includes not only decisions of the Supreme Court of the Republic but also (and this is of extreme value) some of those of the district courts, including the decisions of the Sofia District Court, the most important judicial tribunal in the

<sup>2</sup> Sipkov, *op. cit.*, p. 52.

<sup>3</sup> See *QJCA*, XVI (August 1959), 199.

country. The decisions are systematized in accordance with the following four major topics of labor problems: labor contract, dismissal, compensation in cases of dismissal, and labor disputes.

The text of the Criminal Code of February 13, 1951, and all of its amendments, as well as the practice of the Supreme Court of the Republic relating to the application of its provisions from the time of their entering into force until 1960, is the subject of a 732-page compilation by Nikola D. Tsvetkovski, entitled *Nakazatelen Kodeks, tekst, literatura, súdebna praktika* (1961). In addition, this publication offers an extensive bibliography of books and articles that deal with any general or specific problem involving the Criminal Code.

### Czechoslovakia\*

Czechoslovak legal writers' most substantial output received in the Law Library deals with various aspects of the new Constitution of the Czechoslovak Socialist Republic enacted in 1960. In further elaboration of the political program of the constitution,<sup>4</sup> *Naša socialistická ústava* (Our Socialist Constitution), by Peter Colotka and Stanislav Matoušek (Bratislava, 1961), states on page 14: "In the course of the 12 years which have passed since the enactment of the May 9 [1948] Constitution, special changes have taken place, first of all, in the economy of our society. The capitalist segment, apart from insignificant exceptions . . . was liquidated shortly after the adoption of the May 9 [1948] Constitution. . . . [Private production] today exists (but only marginally) in farming where it shows a tendency, however, toward complete extinction in the foreseeable future. Also, private ownership today possesses no

particular significance except in the case of [restricted ownership of] tenement houses."

*Ústava socialistického Československa* (The Constitution of Socialist Czechoslovakia), in Slovak (Bratislava 1961), is a symposium of 13 studies surveying the various fields covered by the constitution. Summaries are supplied in Czech, Russian, German, and English. In the introduction, it is emphasized that the constitution "anchored" the political and economic changes which have completed the transition from one social formation to another, from capitalism to socialism. In the opinion of the authors, the provisions of the constitution are not of a static but of a dynamic nature in the sense that the constitution also outlines the "perspective of further progress through the development of an advanced socialist society into communism." This purpose is served by the introductory Declaration which makes the constitution not only a legal but also a political document. The Constitution of 1948 contained a similar broad program for the development of socialism which, as shown by legislative, administrative, and judicial practice, in some instances prevailed over specific guarantees of private rights expressed elsewhere in the constitution. If this can be taken as a pattern, one may well expect the rapid development of Czechoslovak socialist society toward communism.

*Státní právo Československé Socialistické Republiky* (Constitutional Law of the Czechoslovak Socialist Republic), Part I (1962), in Czech, was issued as a textbook for law schools. It was prepared by a group of professors of constitutional law at the Charles University Law School and is comparable to a similar work published in 1953, which was based on the 1948 Constitution. The origin and substance of constitutional law are defined in the first sentence of the publication which reads: "The origin of constitutional law in socialist countries and its further development are inseparably con-

\*Unless otherwise stated, publications mentioned in this section were issued in Prague.

<sup>4</sup>See *QJCA*, XVIII (August 1961), 226; and XIX (September 1962), 203.

nected with the seizure of power by the working class and with the revolutionary activities of this power which seeks to destroy the capitalist social system and to create a socialist and communist society. . . ." The work also states: "The working people, headed by the laboring class and the Communist Party, consolidate, through constitutional law, the power they won in the revolutionary struggle for national and social liberation and are sovereign within the state and in foreign relations." The reader is also advised that the subject matter of constitutional law comprises "not only political relations but also the *foundations of the new socialist economic system* (the stabilization of the socialist economic system as based on the socialist ownership of the means of production and, in connection therewith, the consolidation of the economic-organizational and cultural-educational activities of the state)."

Two laws promulgated in *Sbírka zákonů*, the official collection of laws which is currently received by the Library, are of interest to Western observers of the rule of law in Czechoslovakia. One, the Law on Popular Control and National Economy Records of March 6, 1963, No. 23/1963 Coll., is related to the operation of the socialist economic system and the role the Communist Party plays within it. Among other things, the law provides that "the activity of the agencies of Popular Control shall be developed in the closest cooperation with the organs and organizations of the Communist Party of Czechoslovakia (CPCS) and under its leadership." The agencies of the state administration and socialist organizations must carry out the directives and resolutions of the CPCS and, consequently, one of "the main tasks of the agencies of Popular Control shall be: (a) to supervise the fulfillment by the agencies and the State administration and by socialist organizations of the directives and resolutions of the

CPCS." Furthermore, "the organs of Popular Control shall perform their duties according to the directives of the Central Committee of the CPCS," and the chairman of a Popular Control Commission "shall stop the execution of any decision of the Commission which is not in accord with the directives and resolutions of the CPCS. . . ."

The other Law, No. 77/1959 Coll., withholds important regulations from promulgation in the collection of laws. Mere notification, specifying which authority issued the regulation and where it is available, is given. A policy of secrecy for regulatory activities makes it difficult for nationals or aliens to escape the consequences entailed in ignorance of the law in Czechoslovakia.

### The European Communities

The bold plan of Robert Schuman, the former Foreign Minister of France, which was propounded on May 9, 1950, was designed to create a practical form of solidarity between European nations by placing the entire French and German coal and steel production under a common high authority in an organization open to other European countries. It became a reality on April 18, 1951, when a treaty establishing the European Coal and Steel Community was signed by the governments of six countries: Belgium, France, Germany, Italy, Luxembourg, and the Netherlands.

Six years later, on March 25, 1957, the same six nations established two other communities: the European Economic Community (also known as the Common Market) and the European Atomic Energy Community (also called EURATOM). The aims of the former are to promote throughout the community a harmonious development of economic activities, a continuous and balanced expansion, an accelerated raising of the standard of living, and closer relations between its member states by establishing a customs union over a tran-



sitional period of 12 to 15 years. The latter endeavors to bring together in a coordinated whole the nuclear industries of the member states, to develop nuclear research, and to encourage the construction of necessary installations for the development of nuclear power, the free circulation of capital for nuclear investments, and the free movement of specialists within the community.

Each of the communities is run by four supranational institutions which derive their powers and their legal basis from a transfer of sovereignty by the member states. While the agencies of the ECSC are the High Authority, the Common Assembly, the Council of Ministers, and the Court of Justice, the Common Market and EURATOM are operated through four agencies each: the Commission, the Council, the Parliamentary Assembly, and the Court of Justice. At present, the last two institutions are organs common to all three communities. Thus, the communities have executive and quasi-legislative powers which are exercised more or less independently of the member states and, in specific instances, are even directly applicable to and enforceable against individuals and states.

The creation of the European economic communities initiated a sizeable literature. In addition to the vast number of official publications issued by these communities, individual treatises as well as serial publications have appeared in large numbers. As a result, definite features of a new type of law, called European Law (*Europäisches Recht, droit européenne*), developed, which in its sphere of application is considered to prevail over the municipal law of the signatory powers.

With a few exceptions, the official publications of the European Communities are classed outside of Class K (Law) in accordance with the Library of Congress classification scheme.

Among the official publications on the subject which are housed in the Law Library, the collection of decisions of the Court of Justice of the European Communities is the most significant. It has appeared annually, since 1955 in four separate editions, each published in one of the four official languages of the communities, i.e., French, German, Italian and Dutch, under their respective titles: *Recueil de la jurisprudence de la Cour*; *Sammlung der Rechtsprechung des Gerichtshofes*; *Raccolta della giurisprudenza della Corte*; and *Jurisprudentie van het Hof van Justitie*, all issued in Luxembourg. At this writing eight volumes had been received by the Library.

The Court of Justice of the European Communities, an institution unique in international affairs, was originally created pursuant to Art. 7 of the Treaty Establishing the ECSC on April 18, 1951 (in force since July 25, 1952). The six signatory powers decided that its seat was to be Luxembourg and that it was to commence its duties on August 10, 1952. It was formally constituted on December 10, 1952, and opened its doors to litigants upon the publication of its Rules of Procedure on March 7, 1953. The first public session was held by the Court on October 28, 1954.

The Treaties of Rome of March 25, 1957, also provided for a Court of Justice. However, the preamble to the Convention Relating to Certain Institutions Common to the European Communities, which was concluded on the same date, suggested that certain single institutions should be created "to avoid a multiplicity of institutions responsible for the achievement of similar aims within the European Communities which they have instituted." As a result, according to Art. 4 of this Convention "the single Court of Justice . . . shall, on entering upon its duties, replace the Court of Justice provided for in Article 32 of the Treaty Establishing the European Coal and



Steel Community." On October 7, 1958, the single Court of Justice of the European Communities was inaugurated; its general aim is to ensure the rule of law in the interpretation and application of the treaties instituting ECSC, the Common Market, and EURATOM. The most significant feature of this court is that its jurisdiction may be invoked not only by a member state or a community organ but also by an individual.

Among the monographic studies dealing with all aspects of this court, the following deserve mention: Gerhard Bebr's *Judicial Control of the European Communities* (London, 1962), Jean de Richemont's *La Cour de justice; code annoté, guide pratique* (Paris, 1954), Louis Delvaux's *La Cour de justice de la Communauté européenne du charbon et de l'acier* (Gembloux, 1956), and Alessandro Migliazza's *La Corte de giustizia delle Comunità europee* (Milan, 1961.) The procedure before this court is discussed by Charles van Reepinghen and P. Orianne in their study entitled *La Procédure devant la Cour de justice des communautés européennes* (Brussels and Paris, 1961).

The Treaties of 1957 establishing the Common Market and EURATOM are the subject of several commentaries, the most comprehensive of which are *Die Europäische Wirtschaftsgemeinschaft; Kommentar zum Vertrag* (Berlin, 1960), by Ernst Wohlfarth and others; *Kommentar zum EWG-Vertrag* (Baden-Baden, 1958-60), a 2-volume work by Hans von der Groeben and Hans von Boeckh; *Gemeinsamer Markt und Euratom* (2d ed., Herne-Berlin, 1959), by Hermann Berié and Rudolf Miller; *Common Market Law; Texts and Commentaries* (London, 1962), by Alan Campbell and Dennis Thompson; *Euratom; analyse et commentaires du traité* (Brussels, 1958), by J. Errera and others.

Among the treatises discussing other fields of law with reference to the European

Economic Community are *Le Droit des sociétés anonymes dans les pays de la Communauté économique européenne* (Brussels, 1961), by Jacques van Wynendaele and Hippolyte Wouters; *The European Common Market and the GATT* (Washington, 1961), by James Jay Allen; *EWG-Kartellrecht; Kommentar zu den Artikeln 85 und 86 des EWG-Vertrages und den EWG Verordnungen Nr. 17, Nr. 27 und Nr. 26* (Heidelberg, 1962), by Alfred Gleiss and Martin Hirsch, the American version of which appeared under the title *Common Market Cartel Law; a Commentary on Articles 85 and 86 of the EEC Treaty and Regulations Nos. 17, 27 and 26* (New York, 1963) by Conrad W. Oberdorfer and others; and *American Enterprise in the European Common Market; a Legal Profile* (Ann Arbor, 1960), a 2-volume work edited by Eric Stein.

## France

Works on European law written in English have been appearing in increasing numbers. This is particularly true of the French legal system. Most noteworthy among the new acquisitions is a second edition of Amos and Walton's classic *Introduction to French Law* (Oxford, 1963). The first edition of this work which appeared in 1935 was for many years the Law Library's standard reference work for readers unfamiliar with the French language, who wished a concise, expert introduction to the principles of civil and commercial law and the rules on the conflict of laws of France. Over the years, however, it lost some of its research value because of the many changes in French law; but the new edition reveals that it has been extensively revised and rewritten by three eminent legal scholars. The book was written primarily to provide practicing lawyers guidance not only in their approach to French law but to the civil law of the Continent in general. The

work stresses the importance of French law by stating that France has for a century and a half carried on a great export trade in law, and that many countries have adopted French institutions and legal rules through voluntary imitation rather than, as in the case of English law, through conquest and colonization. The editors make the following statement: "To become familiar with the law of France is to learn a lingua franca, and to be initiated into ideas which are common to a great part of the non-Anglo-Saxon legal world."

Another work in English, *The Conseil d'Etat in Modern France* (New York, 1961), by Charles E. Freedman, is No. 603 in the *Columbia Studies in the Social Sciences*, edited by the Faculty of Political Science of Columbia University. It deals with the French Council of State, the supreme administrative court of France, which has played an important role in the legislative, administrative, and judicial functions of France. To the Anglo-American jurist it is one of the most interesting of governmental institutions because of the rapid growth, in Britain and the United States, of administrative law; and Freedman's work specifically pursues the study of the Council's function in the field of administrative law and its role as technical counselor to the government since the beginning of the Third Republic. The book's value is enhanced by a selected bibliography and a table of cases and also two appendices, one of which lists the cases decided by the Council between 1852 and 1958. The other cites an interesting opinion of the Council interpreting a prohibition against delegation by the French National Assembly of lawmaking powers.

The bilingual *Impôts et commerce en France—Tax and Trade Guide of France* (Paris, 1961), published by Arthur Anderson, is a useful manual for those giving advice on planning international trade activities. As stated in the preface, this is

one of a series of international tax and trade guides designed for distribution to the company's office personnel and interested clients. In nine chapters, it discusses France's government, business organization, tax laws, employment and labor legislation, banking and finance, exchange controls, customs duties, price control, and antitrust regulations. Particular attention is paid to the modifications in traditional French trade policies brought about by the same treaty that established the Common Market. A descriptive list of international tax agreements, a bibliography, and an index complete the publication. According to the publisher, supplements will be issued whenever new legislation affecting its contents is passed.

Frede Castberg, in *Freedom of Speech in the West* (Oslo and New York, 1960), makes a comparative study of the public law of France on this subject with that of the United States and Germany. In the part dealing with France the topic is traced from the Declaration of the Rights of Man and of the Citizen of 1789 to the development of certain censorship measures against the press as a result of the reporting of alleged atrocities by French police and military units in Algeria. In a concluding chapter the author selects three principal events in the countries described as points of reference to make an overall comparison: the French struggles to maintain acquired positions of law and power in the overseas empire; the effect upon the United States of the permanent conflict between East and West, the Berlin crisis, and the Korean War; and West Germany's determination to protect at all costs the democratic rule of law from every serious attempt to overthrow or undermine it.

### French colonies (former) and the French Community

The scarcity of material reaching the Library from these new nations, which constitute such a vast and important area of

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the African continent, is, as it was in the previous year,<sup>5</sup> somewhat offset by the receipt of French publications. Noteworthy among the monographs is Enock Katté Kwayeb's *Les Institutions de droit public du pays Bamiléké (Cameroun)*, issued in Paris in 1960. Following a preliminary chapter describing the historical and geographical conditions of the region, the author examines in the first part of the book customary law and ancestor worship in a community in which the lawmaking power of the tribal chief is paramount. He analyzes the status of the person, property, the social function of the family, and institutions of a political nature, as well as those of an administrative and social character.

The second part is devoted to an analysis of the impact of metropolitan France's legal and political institutions on the native law and traditions. The third part deals with the legal, social, and economic problems involved in the development of urban and rural communities. The author closes his study by pointing out the "imbalance" which has arisen in the evolution of this country, as well as in the whole of Africa south of the Sahara, where "traditional institutions . . . no longer fit the economic structure of the country" and the institutions of metropolitan France "were imposed from above and are too abstract for comprehension by a number of people."

### Poland\*

The changes introduced into postwar Poland affected the political, social, and economic life of the nation. The general principles of these changes were laid down in the 1952 Constitution of the People's Republic of Poland. A recent acquisition

entitled *Polskie prawo państwowe, część II* (1961), published by the University of Warsaw as a textbook for correspondence school students, discusses in detail fundamental constitutional principles with respect to the Parliament, the Council of State (a collective body which is a counterpart of the president's office in non-socialist systems of government), the central and local government administration, courts and government attorneys' offices, the basic rights and duties of citizens, the election law, and the coat of arms. Part I of this work, which presented a review of the historical development of constitutional law,<sup>6</sup> was described in last year's report.

In connection with the above changes, a new Code of Administrative Procedure was enacted by the Statute of June 14, 1960, which superseded the prewar Code of 1928. The new Code differs substantially from its predecessor. While the prewar law regulated mainly procedure before administrative agencies in the true meaning of this term, the Law of 1960 extended its rules to government enterprises and other government organization units, professional organizations, cooperatives, and all other institutions, to guide them in deciding individual cases in the sphere of government administration. The 1961 publication called *Kodeks postępowania administracyjnego, komentarz*, by Emanuel Iserzon and Jerzy Starościk, is a commentary on the new law, which discusses its historical development and the general features that distinguish it from the old law and examines its relation to similar laws and government regulations issued since the war.

Two acquisitions dealing with international law are worth mentioning. *Siedem wyroków Najwyższego Trybunału Narodowego* (Poznań, 1962), by Tadeusz Cyprian and Jerzy Sawicki, discusses seven judgments issued during the years 1946-48 by

<sup>5</sup> See *QJCA*, XIX (September 1962), 205.

\*Unless otherwise stated, the publications mentioned in this section were issued in Warsaw.

<sup>6</sup> See *QJCA* XIX (September 1962), 209.

the Supreme National Tribunal in Poland against the leading Nazi war criminals for the crimes they committed in Poland during the Nazi occupation, 1939-45. In addition to an analysis of the judgments, the book presents both substantive and procedural legal material with respect to the Supreme National Tribunal, provisions of the Polish Criminal Code concerning the punishment of crimes committed on Polish territory, and related international agreements and declarations dealing with the punishment of war criminals that were entered into during World War II. *Klauzula porządku publicznego w prawie międzynarodowym prywatnym* (1961), by Mieczysław Sośniak, is a theoretical dissertation on private international law and a comparative study of the conflict of law systems as applied by various countries and, in particular, of the provision relating to the so-called public order clause in private international law. A bibliography is included.

Special chairs of canon law existed at all universities in prewar Poland, but, owing to strained relations between the Church and the postwar government, the canon law chairs were abolished in 1946, and chairs of state denominational law were substituted for them. The latter were abolished in 1950, however, and lectures on the subject were not resumed until the academic year 1959-60. A recent acquisition, *Wyznaniowe prawo państwowe, problematyka prawna wolności sumienia w PRL* (1962), by Henryk Świątkowski, is a handbook for university students in which the author, a university professor, presents the lectures he delivered during the academic year 1959-60. The book covers various aspects of the law concerning relations between the state and religious communities in postwar Poland, such as the separation of church and state; government and administration of religious denominations; the law concerning associ-

ations and assemblies and their applicability to religious communities; the legal capacity of religious communities; transactions in land owned by religious organizations; confiscation of church property; taxation of religious legal entities; protection of freedom of conscience and belief; interreligious relations; and the position of the church administration in the so-called Recovered (former German) Territories. The lectures, some of which are comparative studies and some historical, are concerned with the development of laicization of former church institutions, as well as the status of the Church in prewar Poland, with particular emphasis on the Concordat of February 10, 1925, and the legal relations between the state and religious denominations other than Catholic.

A recent acquisition worthy of special mention is *Polska bibliografia prawnicza, 1944-1959* (1962), edited by Karol Koranyi. The editor is one of the leading authorities on the history of law and is the compiler of *Bibliografia historyczno-prawna, 1926-1936* (1938) and its continuation covering the period 1937-47 (1953). The present compilation is a continuation of the work initiated in 1911 by Adolf Suligowski, entitled *Bibliografia prawnicza polska XIX i XX wieku* (Polish Legal Bibliography of the XIXth and XXth centuries), covering legal writings in Polish and Latin published from 1800 to 1910. This bibliography was supplemented for the years 1911-12 by Roman Longchamps de Berier; the volumes for the years 1913-18 and 1919-44/45 will be published later. The present bibliography covers writings published in various languages in 102 periodicals, a list of which is annexed, and includes about 16,000 entries. All titles are translated into French. The author states that it was necessary to begin with the period 1944-59 because of the losses suffered in Poland during World War II, postwar changes, and the need



of scholars and practicing lawyers for a comprehensive survey of legal materials.

Non-adversary procedure, in addition to civil procedure, constitutes a basic branch of the rules of judicial procedure in civil matters of great importance in the daily administration of justice. Enacted by several legislative acts after World War II, it covers the general rules of procedure; the rules concerning the law on persons, such as adjudication of incompetency, declaration of death, and civil status registration; domestic relations, such as those pertaining to parent and child, guardian and ward, adoption, and marital relations; property relations; and probate proceedings and annulment and reproduction of documents. All these problems have produced issues difficult for judicial determination. Several articles were published in legal periodicals discussing individual problems, but there was no handbook covering all of the phases mentioned above. *Postępowanie niesporne* (1962), by Jan Polickiewicz, Władysław Siedlecki, and Edmund Wengerek, is the first publication of this type which satisfies the needs not only of students, for whom the book was primarily intended, but also of courts and practicing lawyers.

The Public Prosecutor's Office in prewar Poland was included in the general judiciary system and was subordinate to the Minister of Justice as the Chief Public Prosecutor. Its sole duty was to prosecute crimes. By the Law of July 20, 1950, the jurisdiction of the Public Prosecutor's Office was transferred to the Attorney General's Office, resulting in a different organization and a greater authority. Independent of any local authority, that Office was vested with supervisory power over the entire government machinery and over the political and economic life throughout the country, in addition to its duties in the prosecution of crimes. In this connection, government attorneys were given jurisdiction over pre-

trial investigations by way of amendments to the Code of Criminal Procedure. Prior to these amendments, pretrial investigations were conducted by special investigating judges or were made under their supervision. *Zakres i formy postępowania przygotowawczego* (1961), by Leon Schaff, discusses pretrial investigations as they are conducted by government attorneys under the new laws. *Nadzór ogólny prokuratury* (1961), by Józef Paliwoda of the Attorney General's Office, is a dissertation on the system of supervisory machinery (its legal methods and forms) in all socialist countries, with special emphasis on the Soviet Union and Poland.

*Organizacja sądownictwa i prokuratury w wojsku polskim* (Kraków, 1961), by Julian Polan-Haraschin, is a unique work dealing with the organization of military tribunals and military prosecutors as they developed throughout the centuries, beginning with the years prior to the partitionings of Poland in the 18th century and extending up to the present time. It is of special interest because of its presentation of material concerning the functioning of military tribunals during World War II, both in the underground army in Poland itself and in the Polish Army fighting outside of the country. A summary in English, French, and Russian, as well as an extensive bibliography, is appended.

### Rumania\*

The present-day Rumanian legal system is based upon Soviet law, and over the years the latter has exercised a substantial and growing influence upon the development of the country's social and legal institutions. As in other countries of the Soviet orbit, one of the main problems of lawmaking and of the administration of justice is that of maintaining orientation toward the

\*Unless otherwise stated, the publications mentioned in this section were issued in Bucharest.



policymaking agencies in the Soviet Union. One of the most important means for carrying out this liaison is a legal periodical entitled *Analele Romîno-sovietice; probleme de drept*, which is published by the Rumanian-Soviet Institute of Legal Studies of the Academy of the Rumanian People's Republic (RPR) and carries leading articles published in the USSR in a language and in terms understandable to the Rumanian lawyer. This periodical, which appears to have been formerly part of an economic-legal series, began publication as a separate legal series in 1960, and the Library had received six issues for that year at the time of this writing. The importance of the publication for the sovietization of Rumanian law can be gauged by the frequency with which Rumanian legal writers refer to the publication in their published works.

The scarcity of legal treatises and textbooks underlines the importance of the commentaries and officially approved interpretations being published in current legal periodicals. Of the two legal periodicals received in the past, *Legalitatea populară* discontinued publication in 1962. It was merged with *Justiția nouă*, which is issued by the Association of Jurists of the RPR and is now in its 19th year of publication. *Justiția nouă* has therefore become the only available legal periodical of this type for Rumanian law. It contains the leading decisions rendered by the Supreme Tribunal of the country, as well as decisions of the people's courts, and also includes articles by leading Communist jurists, which are an up-to-date source for the study of current doctrinal developments in the Rumanian legal system.

Extracts from the Supreme Tribunal's decisions continue to be published in *Culegere de decizii ale Tribunalului Suprem al RPR*. This material in the 1961 annual, published in 1962, is divided into comprehensive legal topics: civil law, family law,

civil procedure, criminal law, and criminal procedure. The cases are arranged in alphabetical order according to the legal problems involved. Reference use of this work is facilitated by the inclusion of two separate indexes, one for civil law and the other for criminal law, as well as a list of the legal enactments mentioned throughout the volume.

The Department of Education published in 1960 a new manual on criminal law, *Dreptul penal al RPR; partea specială (Partea II-a)*, by Berthold Braunstein, a professor at the Jassy School of Legal Science. It deals with the new concept of offenses against personal property, persons, the state, and the Socialist sector. The author states that the manual is designed to serve law students as well as public prosecutors, judges, and members of the legal profession.

The RPR Academy, through its Institute of Legal Research, published in 1962 *Modificările aduse codului penal și codului de procedură penală prin actele normative din anii 1956-1960*, by Professor Vintilă Dongoroz and others. This compilation, which contains the texts of the Criminal Code and the Code of Criminal Procedure, is of particular interest because it clearly shows the extent to which Communist legal thinking has penetrated the old established codes. This process is evident in the extensive comments made by the authors on the amendments to both codes that were enacted during the years 1956-60.

Another publication of the Academy of the RPR is a transliterated edition (1961) of a 17th-century Rumanian legal work. Entitled *Carte romînească de învățătură*, this transliteration from the Rumanian Cyrillic alphabet was made from editions and documents published prior to the Communist rule which are preserved in the collections of the Library of Congress. The original edition of 1696 was the first printed codification of the body of law which was

in force in the area that later became part of Rumania, and which was purported to regulate every sector of human activity. Although the comments contained in the 1961 transliteration are not in accord with the ideas of the period in which this code of laws was written, a history scholar can find therein the old Moldavian law and traces of Rumanian customary law, as well as Roman and Byzantine legal influences, particularly as they affected agriculture, criminal law, and the edicts of Rumanian princes.

### Soviet Union\*

The lack of Soviet legal bibliographies in the past complicated the study of Soviet law. This gap has been largely filled by comparatively recent Soviet publications. The Institute of State and Law of the USSR Academy of Sciences published in 1960 a general legal bibliography entitled *Literature on Soviet Law; Index and Bibliography—Literatura po sovetskomu pravu; bibliograficheskii ukazatel'* (1960). As mentioned in the preface, it lists the principal works on Soviet law. In order to familiarize foreign lawyers with specific features of Soviet law, short introductory articles, in Russian and English, are placed at the beginning of each section of the bibliography, and each entry is translated into English. In addition to this general compilation, three other legal bibliographies have been published: *Sovetskoe gosudarstvennoe pravo; bibliografiia, 1917–1957* (1958) on Soviet government and law; *Sovetskoe grazhdanskoe pravo, sovetskoe semeinoe pravo; bibliografiia, 1917–1960* (1962) on civil law and domestic relations; and *Sovetskoe ugolovnoe pravo; bibliografiia, 1917–1960* (1961) on criminal law, mentioned in last year's report.<sup>7</sup>

\*Unless otherwise stated, publications mentioned in this section were issued in Moscow.

<sup>7</sup> See *QJCA*, XIX (September 1962), 214.

The study of Soviet law by English readers was also facilitated by Soviet and foreign publications in English, such as, *Fundamentals of Soviet Criminal Legislation, the Judicial System and Criminal Court Procedure* (1960); *The Federal Criminal Law of the Soviet Union* (Leyden, 1959), which appeared as a part of the series called *Law in Eastern Europe*, edited by Z. Szirmai; and the entire text of the Law on Principles of Soviet Legislation for the USSR and the Union Republics, which appeared in the *Soviet Review* (New York) of May, June, July and August, 1962.

General problems of Soviet law are analyzed on a comparative basis, especially with those of the satellite countries, by Kazimierz Grzybowski in his *Soviet Legal Institutions* (Ann Arbor, 1962); and problems connected with changes in the post-Stalin period are presented by J. N. Hazard and I. Shapiro in *The Soviet Legal System; Post-Stalin Documentation and Historical Commentary* (New York, 1962). The latter contains, in addition to the author's analyses, numerous excerpts from the works of Russian lawyers, thus providing the English reader with an opportunity to learn the Soviet point of view from primary sources. Soviet patent law is presented by P. J. Federico in his *Soviet Law on Inventions and Patents* (Washington, 1961). Glenn G. Morgan deals with supervision over the activities of the various components of the government machinery and the actions of government officials in *Soviet Administrative Legality; the Role of the Attorney General's Office* (Stanford, 1962). In the same group the works of certain Soviet lawyers should also be mentioned. These include N. G. Aleksandrov's *Soviet Labour Law* (Delhi, 1962), translated by Inder K. Nayar; *International Law* (n.d.), edited by F. I. Kozhevnikov and translated by D. Ogden; and *Fundamentals of Soviet Law* (n.d.), edited by P. S. Romashkin. The

last work consists of several studies on Soviet state and law, administrative law, civil law, labor law, land law, collective farm law, family law, finance law, criminal law, criminal procedure, and civil procedure.

In 1962 a new periodical entitled *Soviet Law and Government* began publication in New York. It contains selected articles from Soviet scholarly journals in English translation.

New legal problems connected with the development of communications in outer space such as space and sovereignty, military use of outer space, ways and means for working out the cosmic law, international cooperation and peaceful use of outer space, spy-satellites and international law, regulation of activities in outer space, and many other problems are described and analyzed by Soviet authors in the following 1962 monographs: *Na puti k kosmicheskomu pravu*, by F. N. Kovalev and I. I. Cheprov; *Kosmos i mezhdunarodnoe pravo*, edited by E. A. Korovin. Also in the field of international law is the second edition (1961) of V. I. Lisovskii's manual entitled *Mezhdunarodnoe pravo*.

The enactment by the Soviet Union, during the period 1958-61, of laws on the basic principles of civil and criminal legislation of the Soviet Union and of the constituent republics, and the promulgation of Criminal Codes as well as Codes of Criminal Procedure by the constituent republics in 1961, have given Soviet lawyers new impetus to comment on these laws.

Property rights, contracts, torts, copyright, inventions, inheritance, and other civil law problems are analyzed, in the light of the Basic Principles of Civil Law of the Soviet Union and the Constituent Republics enacted in 1961, by O. S. Ioffe and I. U. K. Tolstoi in their *Osnovy sovetskogo grazhdanskogo zakonodatel'stva* (1962). A work on civil procedure, *Rassmotrenie grazhdanskikh del v sude* (1962), which was edited by the Minister of Justice of the

RSFSR, V. A. Boldyrev, contains the most important legislative acts of the USSR and the RSFSR, as well as the decrees and instructions of the Ministry of Justice and other agencies, concerning civil procedure. The decisions of the Supreme Court of the USSR, the RSFSR, and other constituent republics are also included, and, for the first time, the most important court decisions of the autonomous republics, lands, and regions are reported. The problems involved in the protection of property rights in the Soviet Union are analyzed by V. F. Maslov in *Osushchestvlenie i zashchita prava lichnoi sobstvennosti v SSSR* (1961) and by V. S. Iurchenko in *Okhrana imushchestvennykh prav sovetskikh grazhdan* (Minsk, 1962).

The publications on criminal law and criminal procedure are much more numerous. Among the most important works might be mentioned commentaries on the new Criminal Code of the RSFSR: *Kommentarii k ugolovnomu kodeksu RSFSR 1960* (Leningrad, 1962), edited by M. D. Shargorodskii and N. A. Beliaev. A separate appendix (*prilozhenie*) attached to the book contains the Law of the RSFSR of July 25, 1962, on Amendments to the Criminal Code. A second edition of commentaries on the basic principles of criminal legislation was published by V. D. Men'shagin and P. S. Romashkin under the title *Nauchno-prakticheskii kommentarii k osnovam ugolovnogo zakonodatel'stva soiuza SSR i soiuznykh respublik* (1961).

A new edition of the Code of Criminal Procedure of the RSFSR, *Ugolovno-protsessualnyi kodeks RSFSR* (1962), contains all the amendments as of January 1, 1962, and provides explicative notes on the separate articles of the Code of Criminal Procedure.

Since the XX Communist Party Congress, which was held in Moscow in 1956, labor law has undergone substantial

changes, especially those concerning the rights of individual workers and the scope of the jurisdiction of labor unions. Restrictions concerning the right to select a job were abolished in 1956, and the jurisdiction of labor unions has gradually been extended since 1958. These changes in the labor law are described from different aspects by several authors in *Novoe v razvitiu trudovogo prava v period mezhdu XX i XXII s'ezdami KPSS* (1961), edited by N. G. Aleksandrov. The new legislation is also analyzed by M. M. Avakov in his *Spravochnik po trudovomu zakonodatel'stvu* (Minsk, 1961). The protection of labor is dealt with in IA. Kiselev's *Okhrana truda po sovetskomu trudovomu pravu* (1962), in M. M. Beterev and M. M. Bol'shov's *Spravochnik po okhrane truda v sel'skom khoziaistve* (1961), in *Okhrana truda na rechnom transporte; sbornik rukovodiashchikh dokumentov*, published in 1962 by the Ministry of River Navigation; and in *Okhrana truda i tekhnika bezopasnosti* (1961), compiled by IA. Kiselev and V. N. Churin. Labor disputes are analyzed by V. I. Smoliarchuk in *Poriadok rassmotreniia trudovykh sporov v SSSR* (1962), by E. I. Filippov in *Sudebnaia zashchita trudovykh prav grazhdan v SSSR* (1961), and by A. G. Fastyskovskii in *Profsoiuznomu aktivistu o trudovom zakonodatel'stve* (1962.)

A large collection of official documents concerning the work of retail trade enterprises and rules on the sale of goods as in effect on December 1, 1960, was published under the title *Pravila raboty torgovykh predpriiati, pravila prodazhy tovarov; sbornik normativnykh materialov* (1961), and compiled by V. N. Alipov and others. In addition to the normative acts issued by the former Ministry of Trade of the USSR, the rules issued by the Ministry of Trade of the RSFSR are included.

Although there were no substantial changes in the provisions of the collective

farm law, several new publications have appeared which deal not only with general problems but also with certain specific problems, such as social security for old collective farmers, who are unable to work, work discipline in collective farms, and other subjects. Among them might be mentioned: *Kolkhoznoe pravo* (1962), edited by N. D. Kazantsev; *Pravovoe polozenie kolkhozov v SSSR* (1961), edited by I. V. Pavlov; A. A. Ruskol's *Material'noe obespechenie prestarelykh i netrudospособnykh kolkhoznikov* (1962); and S. B. Baisalov's *Pravovye formy organizatsii i ukrepleniia discipliny truda v kolkhozakh Kazakhskoi SSR* (Alma-Ata, 1962).

Contractual relations between artists, clients, printing offices, and other agencies reproducing works of art and problems concerning compensation for artists are described in detail by E. L. Vakman and I. A. Gringol'ts in *Avtorskie prava khudozhnikov* (1962). Soviet patent law is discussed by V. A. Riasentsev in *Sovetskoe izobretatel'skoe pravo* (1961).

### Near East and North Africa

Last year's additions to the collections of the Near Eastern and North African Law Division totaled 5,394 law books, pamphlets, periodicals, and serials. This figure represents 2,425 in the Arabic language, 51 in Persian, 1,745 in Turkish, and 1,173 in Western languages. Purchase was the main source of acquisition and accounted for 1,889 items; however, 1,425 items were received through international exchange, 1,419 by transfer, 7 as gifts, and 654 through the P. L. 480 Program.

While the Chief of the division was in the Middle East during the latter part of 1961 and the early part of 1962, as a member of the P. L. 480 survey team, he carried out acquisition activities in the major cities of several countries in the area. The establishment of the American Libraries Book Procurement Center in Cairo has re-



sulted in the enrichment of the Library's Egyptian collections, and a meeting at that time between the Chief of the division and a blanket-order dealer in Beirut has produced fruitful results for the Lebanese collections also.

It is not possible to select for discussion all of the publications that merit special consideration, but a few have been chosen either because they present a broader coverage of the laws and regulations of this area or because they have been difficult to locate and acquire up to this time. No evaluation of the Persian legal material has been attempted, since the division has not yet obtained the services of a specialist in this particular area.

#### *Egypt*

One of the most valuable legal serials in the Arabic language, a monthly review called *al-Muḥāmāh* (The Legal Profession), has been published in Cairo by the Egyptian Bar Association since 1920, but it had not been received in the Library until this year. During his visit to the United Arab Republic in 1961, the Chief of the division found that a complete set of this title was difficult to locate; however, he was able to acquire 37 volumes covering the years 1920-54 (excluding 1937, 1939, 1940, and 1947) and 3 indexes for the period 1920-40, and efforts are still being made to complete the file. It is gratifying to report that current issues are being received regularly through the P. L. 480 Program.

A new Arab League publication, *al-Musāhamah al-jinā'īyah fī al-tashrī'āt al-'arabīyah* (Cairo, 1961), by Maḥmūd Najīb Ḥusnī, is a comparative treatise on criminal participation in the legislation of the Arab States. Dr. Ḥusnī provides a general introduction on the principles of criminal participation or plurality of offenders (accessories and principals) in the same crime, and then presents a comparative study of the pertinent legal principles

incorporated in the legislation of the Arab countries. The book is well documented with footnotes cited from English, French, German, and Arabic sources. Although criminal participation is a narrow subject, it becomes extremely interesting in this publication, since it is discussed skillfully by a capable lawyer who has compared and analyzed the legal principles inherent in the criminal legislation of England, France, Belgium, Germany, the UAR, Sudan, Libya, Iraq, Syria, and Jordan.

#### *Iraq\**

When the first Iraqi labor law came into existence in 1936, it was considered to be adequate in view of the condition of the country at that time. Six years later, however, it was found to be less useful, owing to the economic advancement of the country. Thus, in 1942 Law no. 36 was enacted to amend Labor Law no. 72 of 1936. It was not long thereafter that Iraq began to feel the inadequacy of its entire labor legislation; but no change took place until 1958 when Labor Law no. 1, entitled *Qānūn al-'amal al-jadīd*, was promulgated. This law is based on some of the most advanced labor legislation in the world, and it is an up-to-date law capable of keeping pace with Iraq's economic progress.

This new law is divided into 14 chapters and provides for matters such as daily working hours, holidays and sick leave, industrial accidents, sickness and disease, workmen's compensation, and the formation and organization of trade unions and their federation.

Since the establishment of the republican regime in Iraq in 1958, a great number of laws and statutes have been modified or amended, or have superseded the previous ones. Included among the new legislation is Agricultural Bank Law no. 56 as

\*All publications listed under Iraq were issued in Baghdad.



amended, entitled *Qānūn al-maṣraḥ al-zirāʿī*.

According to this law, the agricultural bank was established to encourage the newly created class of small landowners resulting from the implementation of Land Reform Law no. 30 of 1958. The publication includes the full text of the law, its appendix no. 133 (1959), its amending law no. 143 (1960); the regulations of the agricultural bank no. 13 (1959), their amendments no. 63 (1959), and the second set of amendments no. 11 (1961); and the by-laws of the agricultural bank dated April 1, 1960, and their amendments of April 1, 1961.

#### Lebanon

A recent compilation of laws in looseleaf form is *Majmūʿat al-tashrīʿ al-Lubnānī* (6 vols., Beirut, 1961), which was edited and compiled by Sélim K. Abi-Nader. It includes international agreements and treaties signed by Lebanon and other nations. Each volume has its own index, alphabetically arranged by subject. Because of its scope, this publication fills a great need, as there is no other publication in the Lebanese collection comparable to it.

Anwar al-Khaṭīb, a former president of the Appellate Court for the district of Biqāʾ and now a professor of civil law at the Lebanese University, is the author of *al-Aḥwāl al-shakhṣiyyah* (Beirut, 1961), a comparative study of the legal principles of Western legislation and of Muslim law as developed by the different schools of Muslim jurisprudence. It discusses at some length the subject of personal status according to the principles of Muslim law, a subject which has always been one of the most complicated areas of that law.

The book is divided into five sections, four of which are concerned with legitimation, name, nationality, and domicile; the fifth sets forth the pertinent procedural legal principles insofar as they apply to

these topics. This accomplishment has brought within the reach of scholars legal information which until now has been difficult to locate.

#### Morocco

On November 18, 1962, His Majesty King al-Hassan II of Morocco presented to his nation a draft of the constitution which was approved by the Moroccan people on December 7, 1962. Among the Library's new acquisitions is an analytical and comparative study by 'Abd al-Karīm Ghallāb, entitled *Hādhā hūwa al-dustūr* (This is the Constitution), which was issued in Rabat in 1962. In his preface Professor Ghallāb states: "The purpose of this study is to spread democratic ideas throughout Morocco and to bring to the world's attention the existence of the Moroccan constitution, not only as the Constitution of Morocco per se, but also as an example of advanced democratic legislation in the field of constitutional law."

The constitution is based on the principles of freedom, justice, and equality and provides for civil, political, economic, and social rights and for organization of the state machinery by applying the principles of the separation of powers between the executive, legislative, and judicial branches of the government.

#### Saudi Arabia

Saudi Arabia is one of the countries within the responsibility of this division which has not made such rapid strides in the publishing field as some of its neighbors. Although the Library has a small collection of Saudi Arabian legal material, there is much to be desired. It is gratifying to report, therefore, that the collection has been enhanced by the acquisition of 21 reels of microfilm containing a file of the country's official gazette for the period August 16, 1916, to June 24, 1960. The gazette which began publication under the title *al-Qiblah* but changed in 1924 to *Umm al-Qura*, was

filmed by University Microfilms, Inc. of Ann Arbor, Mich.

Even though it may be a task to locate a specific law on these films, it is a consolation to know that the Library now possesses such a complete file of the principal source of information on Saudi Arabian law.

### Tunisia

The Constitution of Tunisia was published in *al-Ra'id al-Rasmī lil-Jumhūriyah al-Tūnisīyah*, the Tunisian official gazette, on June 1, 1959; thus the first constitution of the Republic of Tunisia was promulgated. The first analytical and comparative study of this constitution appeared in a work by Muḥammad al-Sansūsī, entitled *al-Nizām al-siyasī fī al-Jumhūriyah al-Tūnisīyah* (The Political System of the Tunisian Republic), which was published at Tunis in 1962.

The author, a professor in the School of Law and Public Administration at the University of Tunis, has issued in this volume the articles he has written and the lectures he has delivered on the subject.

### Turkey

The Turkish collection has been enriched by the receipt of books and other material concerning a number of areas of Turkish law. Among them is a work on international private law or conflict of laws, by Muammer Raṣit Seviṡ and Vedat Raṣit Seviṡ, which is entitled *Devletler hususī hukuku* (Istanbul, 1962). This third enlarged and revised edition of the work provides valuable information on the rights of foreigners under the Turkish legal system.

Another new acquisition, *Gelir vergisi, kurumlar vergisi, vergi usul kanunu* (Istanbul, 1963), by Necmi N. Yücel, is a veritable encyclopedia on Turkish tax laws. The author discusses and analyzes all of the laws and their latest amendments, and an appendix provides tables for all taxable objects.

## Far East

### Republic of China

In the spring of 1962 the Chief of the Far Eastern Law Division made an acquisitions trip to the Far East. During his stay in Taiwan, he arranged for a limited number of academically valuable legal publications relating to the early period of Chinese Communism to be hand-copied for the Library. These original and relatively rare materials, which have seldom been tapped for scholarly use, belong to the collection of the Bureau of Investigation at the Ministry of Justice in Taipei. The materials pertaining to Chinese Communism (including legal items) comprise booklets, periodicals, news clippings, and secret documents. Some of these pre-1949 materials were obtained by agents of the Bureau during the period of purge and suppression launched by Generalissimo CHIANG Kai-shek, and others were captured at various times when the Communist central and local agencies were uprooted. It has been the policy of the Bureau to deny permission to microfilm these materials; and recent attempts by American university libraries to obtain such permission has met with no success.

This modest copying project was concluded in the spring of 1963, but the material has not yet reached the Library. Since so little legal material pertaining to the early period of Chinese Communism is available outside of China, these unique items will greatly enhance the research value of the Library's holdings on the subject; the collection of legal material originating in mainland China is already in demand as a result of the steadily growing interest in Chinese Communist law evidenced in this country during the last few years.

Among the hand-copied legal materials are a number of notable items: *Szu fa kung tso hsüeh hsi tsai liao* (Materials for the

Study of Legal Work), issued in 1945 by the High Court of the Shansi and Chahar border region; *Yen Fu ch'ü szu fa kung tso ta kang* (Outlines of Legal Work in the Yen-cheng and Fu-ning area), issued in 1942 by the Administrative Bureau of the Communist regime in that area; *Szu fa cheng ts'e* (Judicial Policy), published by the Hsin-hua (New China) Bookstore in 1946; and *Fu nü chi cheng ch'üan* (Women's Inheritance Rights), issued in 1945 by the local Communist regime in the Shansi-Chahar-Ningsia border region.

One of the most useful legal reference tools acquired from Taiwan is "A Catalog of Law Books Printed in Taiwan," which comprised the entire issue of July 1962 (Vol. III, no. 7) of *The Monthly List of Chinese Books*, published by the National Central Library in Taipei. Miss Wang Tse-yen, the compiler of the catalog explained to this writer in Taipei that, because of the paucity of pre-1949 law materials in Taiwan, she was obliged to limit her coverage to the legal materials published or reprinted on the island. Entries in this catalog are grouped under the following categories: Jurisprudence; Constitution; Laws and Statutes, Chinese and Foreign; Civil Code; Criminal Code; Civil Procedure; Criminal Procedure; Compulsory Execution Law; Commercial Law; Bankruptcy Law; Administrative Law; Copyright and Publication Law; Judicial Administrative Law; and International Law. Each category is subdivided into several more specific subjects, and the entries under a subject are arranged according to the number of strokes of the Chinese characters in the author's name.

Another useful reference work in English is the compilation entitled *Laws of the Republic of China* (Second Series) which, like the First Series,<sup>8</sup> was compiled by the Law Revision Planning Group of the Council for United States Aid, an organ

of the Executive Yüan (the Cabinet) of the Republic of China. In this series (published in October 1962 in Taipei), English translations of 63 current laws and regulations of an economic and financial nature are collected and grouped under the following categories: Investment; Land; Internal Revenue and Customs Duties; and Labor. The most important laws included in this series are those relating to investment. Among them are the Statute for Investment by Foreign Nationals and the Statute for Investment by Overseas Chinese, which were enacted in Taiwan during recent years to provide incentives for both domestic and foreign investors.

#### *Mainland China\**

The Library has recently received Vol. 12 of *Chung-hua jen min kung ho kuo fa kuei hui pien* (Collection of Laws and Decrees of the People's Republic of China), which is one of the primary sources for Communist Chinese law. This volume, published in 1962, embraces laws and decrees enacted during the 18-month period from July 1960 to December 1961; it contains fewer pages, however, than any of the previous issues which cover only a 6-month period.

The dwindling legal information from mainland China intensifies the critical shortage of valuable materials from Communist China that are necessary to meet the research needs of the Government and the academic world.

A special effort to fill gaps in the Library's file of *Fa Hsueh*, a Communist Chinese law journal published in Shanghai, whose importance is probably second to that of *Cheng fa yen chiu* (Political and Legal Research), resulted in the acquisition of a photocopy of issue no. 2 (1958), which is a relatively rare item. This issue carries an article denouncing the view on the Com-

<sup>8</sup> See *QJCA*, XIX (September 1962), 217.

\*The publications mentioned in this section were issued in Peking.

munist Chinese legal system held by YANG Chao-lung, a Harvard graduate, who is a prominent legal scholar and a disciple of Dean Roscoe Pound, during the "hundred flowers" period of thought-control relaxation in 1957. It also includes the text of the thought-provoking "twelve queries" to which Mr. Yang demanded answers from TUNG Pi-wu, then President of the Supreme People's Court of the People's Republic of China. This scarce document should be of interest to all students of Communist Chinese law.

Two issues of *Cheng fa yen chiu* (Nos. 1 and 2, 1962) have been added to the Library's collection. It should be noted, however, that the research value of recent numbers of this periodical has been reduced, for the articles published therein contain a greater number of "mass line" clichés than did those which appeared before the termination of the "hundred flowers" period.

An informative book which has been added to the collections during the year is *Kung an kung tso yao chin chi*, a collection of essays on the "leap forward" in "public security" activities, which was compiled and published by the Fa lü c'hu pan she (The Legal Press) in 1958. The articles in this collection, which were originally published in various newspapers in mainland China, are primarily concerned with "public security," a term that refers to the police in Communist China. This compilation also includes a number of essays discussing the expanding role of the conciliation and handling committees in exercising court functions. These committees, which are similar to the comrades' courts in the Soviet Union, have been set up during the past 5 years throughout Communist China as instruments for resolving civil and minor criminal problems among the people in accordance with Mao Tse-tung's famous theoretical essay, *On the Correct Handling of Contradictions Among the People*.

*Hsien fa chi pen chih shih chiang hua* (1962), is a short treatise on a basic knowledge a constitutional law, written jointly by WANG Mien and WANG Shu-wen. Since a draft of the work was discussed at the Legal Science Research Institute of the Chinese Academy of Sciences, the publication probably reflects the official view of the Communist Chinese Government on the subject. The "class nature" of the constitutional law is repeatedly emphasized in this work. In addition to the above-mentioned authors, three other jurists participated in the preparation of the first draft, according to a statement in the preface. It is to be noted that the tendency in Communist China today is to issue more and more legal publications as fruits of the collective effort of a group of authors; thus, no particular author has to shoulder the responsibility for any possible political error contained in a certain work.

Another valuable acquisition is a reel of microfilm containing legal materials on pre-1949 Communist China, which was obtained from the Union Research Institute in Hong Kong.

#### *Japan\**

Several current serial titles have been added to the periodical holdings of the Library. Among the more important acquisitions are files of the following titles, with their beginning dates: *Kônan hōgaku* (The Kônan Law Review), Kôbe, 1960-; *Aoyama hōgaku ronshū* (The Aoyama Law Review), 1959-; *Kanazawa hōgaku* (The Kanazawa Law Review), Kanazawa, 1955-; *Tokyo Toritsu Daigaku Hōgakkai zasshi* (Tokyo Metropolitan University Journal of Law and Politics), 1960-; *Hōgaku kenkyū* (The Aichi Gakuin Law Review), Nagoya, 1958-; *Hōgaku kenkyū* (The Hitotsubashi Law Review), 1957-; *Kôbe University Law*

\*Unless otherwise noted, publications mentioned in this section were issued in Tokyo.



Review, International Edition, Kôbe, 1961-. A total of 600 issues of another title new to the Library, *Hôritsu shimpô* (The Law Journal), covering the period 1924-40, were purchased; and 55 issues of *Hanzaigaku zasshi* (The Journal of Criminology), vols. 18-28 (1952-62), were acquired to fill gaps in the Library's holdings.

The 21-volume monographic series entitled *Waseda Daigaku Hikakuhô Kenkyûjo kiyô* (Publications of the Institute of Comparative Law of Waseda University), 1958-62, is also among the new items acquired. Each volume in this series deals with one particular topic relating to the legal problems (old and current) in Japan, the United States, West Germany, Great Britain, and India. Except for publication no. 7 (1959), entitled *A Comparative Study of the Judicial Process*, which is the English translation of publication no. 2 (1958), written by Professor NAKAMURA Muneo, Director of the Institute of Comparative Law, the series was issued in the Japanese language. In October 1961 the same Institute undertook the publication of *Hikakuhô Kenkyûjo shohô* (Bulletin of the Institute of Comparative Law). At this writing the Library had received the first two issues for October 1961 and July 1962, respectively. The bulletin furnishes a rich source of information on major legislation and on institutional and personal academic activities both in Japan and abroad, all of which are of interest to comparatists. Its articles are written mainly in Japanese, although some are in Western languages. Also worthy of mention is the journal of the Japan Bar Association, entitled *Hô no shihai* (Rule of Law), which has been published irregularly since June 1959. The journal includes many articles that discuss problems relating to the role of the new judiciary under the democratic Constitution of 1947. The Library has received a complete set of seven issues of

this publication, covering the period from June 1959 to December 1962.

There are two collections of court cases that merit special attention. *Keiji hanrei nenkan* (The Yearbook of Criminal Cases), 1962, by FUKUDA Taira and others, is a digest of important cases taken from various official and non-official court reports issued during the year 1960. Authors' annotations are not added unless it is deemed necessary. An index listing 433 cases relating to criminal substantive law and 161 to criminal procedure, which are arranged according to the date on which the judgment was rendered, facilitates the use of this book. The other collection is AOTANI Kazuo's digest of cases on insurance, entitled *Hoken hanrei shû* (1962). The cases are principally concerned with violations of the provisions of Articles 629 to 684 (land insurance) and Articles 815 to 841 (maritime insurance) of the Commercial Code and of the provisions of other related laws. This work is a complete revision of the 1954 edition and presents brief digests of all relevant cases from 1896 to 1961 without editor's notes.

A group of scholars under the editorship of UKAI Nobushige published in 1961 a symposium entitled *Gyôsei tetsuzuki no kenkyû* (A Study on Administrative Procedure), which consists of two parts. The first part is devoted to an analysis of the Federal Administrative Act of the United States of 1946; the second deals with present-day administrative procedure under Japanese law. This comparative study is especially valuable in view of the fact that the Japanese judicial system, which was originally based on the continental pattern, has been significantly influenced by an unprecedented influx of Anglo-American legal thought since the end of World War II. The courts under the new constitution have jurisdiction not only in civil and criminal cases but also in administrative litigations. In handling administra-



tive suits, the ordinary court is governed by the Code of Civil Procedure, supplemented by a statute governing the procedure of administrative litigations. It is to be noted that the Law for Special Regulations Concerning Procedure of Administrative Litigations of 1948 was superseded by a new law which came into force on October 1, 1962. This symposium concerns itself only with the problems arising from the Law of 1948. The new law is thoroughly discussed, however, in the October 1962 issue of *Hôritsu jihô*, one of the leading law journals in Japan.

Mention should also be made of *Gyôsei Saibansho gojûnenshi* (A 50-Year History of the Administrative Court), which was issued by the court in 1941. This history gives a true insight into the defunct court which existed from 1890 to 1947 and had jurisdiction over a limited segment of administrative matters; and it deals specifically with the origins of the Law Governing the Administrative Court of 1890, achievements of the court, Diet deliberations on the proposed amendment to the Law, and various opinions of jurists with respect to the same amendment.

*Nihon-koku kempô taikêi* (The Constitutional System of Japan), which began publication in 1961 in commemoration of the 60th birthday of Professor MIYAZAWA Toshiyoshi, deserves particular mention. This projected 7-volume symposium, which will comprise various essays by 51 scholars, will be the first comprehensive work of its kind. The Library has received only the first volume which contains five articles: "Kempô no hôteki tokushitsu" (Legal Characteristics of the Constitution), by KIRYOMIYA Shirô; "Kempô jitsujô no hensen" (Vicissitudes of the Constitutional Order), by UKAI Nobushige; "Kempô seitei kenryoku" (The Enactment Power of the Constitution), by ASHIBE Nobuyoshi; "Kempô no hoshô" (Constitutional Guarantee), by SATÔ Isao; "Kinkyûken" (The

Emergency Power), by KOBAYASHI Naoki. The volume is notable because it features a systematic study on constitutional theory, employing historical and comparative methods, and is not confined to textual analyses. Professor Miyazawa of Tokyo University has dedicated his life to the study and development of constitutional law for nearly 30 years. His numerous works are perhaps second only to those of the late Professor MINOBE Tatsukichi who advocated the "Emperor-Organ of the State" theory in the mid-1930's and whose writings were banned until the end of World War II.

The practical operation of the constitution for the past 15 years is illustrated in two special issues of *Hôritsu jihô* which were published in October and December 1961 in addition to the regular monthly issues of the journal. The October issue includes articles in the form of a symposium, whereas the December issue contains reports of the Kempô Chôsakai, the Commission on the Constitution, which was established in the Cabinet in 1956 and whose mission was to survey the origin and operation of the constitution and to deliberate on the problem of whether or not the constitution should be revised. At the present stage, the commission has finished surveying the origin and operation of the constitution for the 5-year period from August 1957 to August 1962. A study of the constitution with special reference to the subject of the Emperor is *Nihon-koku no kempô; tokuni tennô mondai o chûshin to shite* (1962), by SATOMI Kishio. In addition to the Constitution of 1948, the author discusses the constitutions of the pre-Meiji period, the Meiji Constitution, and his proposal for an amendment to the present constitution.

The postwar introduction of a series of Anglo-American rules of evidence into the Code of Criminal Procedure of 1948 is the subject of an analytical study, by KAMO Yoshisuke, entitled *Keiji shôko hô* (Law of

Evidence), 1962. The author points out that difficulties are often encountered in applying the provisions of the new code in which the principles of Anglo-American contentious procedure and the continental inquisitorial pattern are incorporated. He also makes a special effort to examine from a practical viewpoint the present intricate system in the day-to-day administration of justice.

A welcome addition to the Library's collection of the proceedings of the International Military Tribunal for the Far East is *Kyokutô kokusai gunji saiban sokkiroku*, which was printed by the Ôkurashô Insatsukyoku, the Bureau of Printing of the Ministry of Finance. It contains a Japanese translation of the daily trial records, and its format is similar to that of the daily official gazette of the Japanese Government. These trial records, numbered from 1 to 416 and bound in 10 volumes, encompass the entire proceedings covering the period from May 3, 1946, to April 16, 1948, i.e., from the time when the 28 accused persons first pleaded in the Tribunal to the day on which the Tribunal declared that its judgment would be reserved until the final verdict was rendered on November 4, 1948.

A 3-volume work in Japanese on the International Tribunal for the Far East, entitled *Tokyo saiban* (The Tokyo Trials), which was compiled by the Asahi Shimbun Hôtei Kishadan, the Court Press Corps of the Asahi Press in 1962, was also received. This work is a revised edition of the 1949 compilation which appeared in nine volumes. The first two volumes are concerned with proceedings of the trials, whereas the third volume deals with judgment and opinions, including minority opinions by judges from such countries as Australia, the Netherlands, France, the Philippines, and India; among the latter, the dissenting opinion by Justice Radha Binod Pal of India is the longest. Aside from the official minutes of the proceed-

ings, this 1962 edition of the *Tokyo saiban* is perhaps the only publication which records the Tokyo trials in their entirety.

A brief discussion on the Civil Code is contained in the first volume (1962) of a work by NAKAGAWA Zennosuke, entitled *Mimpô*, which is designed to serve readers who are interested in the practical aspects of law. The author gives a succinct analysis of selected important cases studied at the Shihô Kenshûjo (The Judicial Research and Training Institute). The cases analyzed in volume 1 are related mainly to the general provisions, real rights, and claims under the Civil Code. *Kazokuhô ronshû* (Articles on Family Law), 1962, by YAMANUSHI Masayuki, is a treatise dealing with various problems in connection with the administration of family registration and family court trials. The sixth volume (1961) of a 7-volume work on family law entitled *Kazoku mondai to kazokuhô* (Family Problems and Family Law), which carries the separate title *Sôzoku* (Succession), comprises a collection of essays contributed by a group of eminent scholars and edited by NAKAGAWA Zennosuke and others. This sixth volume is devoted to a discussion of problems on the subject of succession, which constitutes Book V of the Civil Code. Another treatise largely confined to a special subject of the Civil Code is *Keiyaku* (Contract), 1962, by NAKAGAWA Zennosuke and UCHIDA Shun'ichi. The samples of contract forms included in this book are helpful to those who are concerned with legal writing.

The present judicial system is examined by TANAKA Kôtarô, former Chief Justice of the Supreme Court (now a judge at the International Court of Justice), in his book entitled *Hô no shihai to saiban* (Rule of Law and Trials), 1960. This work consists of 20 articles written by the author while he was a professor of law at Tokyo University for nearly 3 decades and later

as the Chief Justice for about 10 years. He is especially aware of the fact that legal theory and practice under the existing judicial system tend to be separated from each other; and he believes that the situation could best be remedied by a unified effort and cooperation among legal scholars and practicing attorneys. The book is divided into two parts: the first is primarily concerned with an exposition of the rule of law and the mission of the judge; the second discusses various problems with which the present judicial system is confronted in the administration of justice, i.e., the speedy trial, contempt of court, and preventive measures for "frivolous" appeals. These articles had previously appeared in *Juristo* (Jurist), *Hôshô jihô* (Lawyers Association Journal), and other journals. For reference purposes, there is also included at the end of the book a short history of the American Bar Association and a report of the 16th session of the Kempô Chôsakai.

Another acquisition is a 2-volume legal reference tool entitled *Minjihôgaku jiten* (Dictionary of Civil Law), which was prepared under the editorship of SUEKAWA Hiroshi, with 276 jurists participating, and was published in 1960 by Yûhikaku. The entries are arranged alphabetically by the legal terms contained in the provisions of the Civil Code, the Commercial Code, and the Code of Civil Procedure and by other relevant subjects such as social, economic, and labor legislation. Legal terms are given in German, English, or French, when it is deemed necessary, in addition to bibliographic notes on each subject.

*Chûkai rôdô kumiai hô* (1962), edited by AZUMA Mitsutoshi, is an article-by-article commentary on the Labor Union Law of 1949 which was enacted in accordance with Article 28 of the Japanese constitution to the effect that "the right of workers to organize and to bargain and act collectively is guaranteed." This con-

stitutional principle is discussed in detail in the introductory chapter, which also examines numerous amendments to the same law. Significant disputes between management and labor from 1945 to 1961 are considered in a 1962 monograph entitled *Rôshi kankei ni okeru rôdôhômjô no sôten*, issued by the Rôdô Hôgaku Kenkyûjo, the Institute of Labor Law. It contains essays contributed by 10 eminent scholars in this field, in which 40 important decisions handed down by the Central Labor Relations Commission and by various courts are discussed.

#### Korea\*

In December 1962, the Cabinet Legislation Bureau began to publish a looseleaf service entitled *Pôpnyông kongp'o illamp'yo*, which indexes all the laws and decrees presently effective in Korea and traces the origin of all statutes which have been amended.

A 7-volume collection of statutory materials of the Yi Dynasty, entitled *Pôpkyu yup'yôn*, (1908), which was compiled by the Naegak Kirokka, the Cabinet Document Bureau, during the reign of the last King of the Dynasty is worthy of note. It encompasses all promulgated statutes including edicts of various kings, which were effective until May 31, 1908. This collection, printed by means of wooden blocks, is arranged according to the following legal subjects: organization of the government and courts; government administration; criminal and civil laws and their procedure; education, police, and local administration; finance; the military, agriculture, and industry; sanitation; and external affairs.

A valuable addition to the Korean law compilation of the Yi Dynasty, entitled *Taejôn hoet'ong* (Grand Compendium of Laws and Regulations), 1865, is a mod-

\*Unless otherwise noted, publication mentioned in this section were issued in Seoul.

ern translation of this work which was issued in 1960 under the title *Kugyŏk taejŏn hoet' ong* and was edited by Han'guk Kojŏn Kugyŏk Wiwŏnhoe, the Committee for the Translation of Korean Classics. Published as no. 1 of the Committee's translation series, the text of this work contains the Chinese letters and Korean syllabary with the translators' annotations. This facilitates the use of the original 5-volume work which is somewhat difficult for the modern reader to understand.

The Library has acquired several volumes of *Taepŏpwŏn p'an'gyŏljip* (The Supreme Court Report), which is published by the Administrative Office of the Court. Volume 10, which has recently been received, includes 106 civil, 12 criminal, and 39 administrative cases for a 3-month period from January to March 1963. A useful guide is KWAK Myŏng-dŏk's work entitled *Ch'oesin sapŏp silmu* (The New Manual of Judicial Administration), 1962. It comprises two main parts: various new registration forms; and selected laws and regulations concerning judicial administration. A list indicating the name of prominent members of the legal profession and the location of courts is also included.

Article 24 of the Law Regarding Extraordinary Measures for National Reconstruction of June 16, 1961, which provides a legal basis for the present military regime, expressly states that if the provisions of the Constitution of 1948 conflict with those of the Extraordinary Measures Law, the latter shall prevail. As a result of this provision, substantive discussions were held among jurists with respect to the relationship between these two fundamental laws. Two 1961 publications identically entitled *Kukka chaegŏn pisang choch'ipŏp* (Extraordinary Measures Law for National Reconstruction), by HAN T'ae-yŏn and MUN Hong-chu, respectively, are devoted to a study of these two basic documents. The role of the constitution under the revolu-

tionary government is discussed by KANG Pyŏng-tu in his book entitled *Hyŏngmyŏng hŏnpŏp* (1961). It consists of a series of lectures delivered in law schools, with the addition of several articles previously contributed to legal journals. The Constitution of 1948, which had been amended four times since its enactment, was referred to a national referendum in December 1962 for a complete revision; finally, the revised document was promulgated on December 26, 1962. A timely study on the revised constitution, made jointly by PAK Il-gyŏng and YANG Yong-sik, was recently published in their book entitled *Sin hŏnpŏp* (1963). The authors also made a special effort to analyze the content of the Extraordinary Measures Law with emphasis on the characteristics of the Supreme Council for National Reconstruction and the functions and status of the President, his Cabinet, and the Court under the revised Constitution of 1962.

The Library has received several works on the new Commercial Code which, on January 1, 1963, superseded the last remaining major Japanese code. Sŏ Tong-gak's *Sin sangpŏp* (1962), which is an analytical study of the new law, is based on lectures he delivered at the Law School of Seoul National University and on his previous 2-volume edition of 1959. The first volume (1962) of *Sin sangpŏp yoron*, a treatise on the new Commercial Code by CHŎNG Hŭi-ch'ŏl, is a more detailed work than the one mentioned above. It discusses only the general provisions, commercial transactions, and corporations of the code. Book II of the new code on corporations, which was significantly influenced by the American system, is treated in *Sin hoesapŏp* (1962), by Sŏ Chŏng-gap. This treatise is designed to help law students and practitioners solve their problems in connection with the application of the provisions in the new code.



*Pöpchē wöllon* (Outline of the Legal System), 1962, by KIM Chŭng-han, is a textbook for beginning law students. Without elaborating on the subject of each legal field, the author succinctly discusses the fundamental principles of law from his own philosophical viewpoint. He stresses the relationship of law to the social sciences under the new social order in the wake of the two revolutions of April 19, 1960, and of May 16, 1961.

*Sin kukche sapöpp* (1962), by KIM Sin, merits special attention. This introductory work discusses the new statute regarding conflict of laws which was promulgated on January 15, 1962. This law superseded the Japanese Law Concerning the Application of Laws in General of 1912, which had

been applied in Korea for a period of approximately 50 years. The new law consists of 47 articles and is divided into three chapters: general provisions, civil matters, and commercial subjects. *Haenghyöng-hak* (1962), by Kwŏn Sun-yöng, is concerned with prison law and administration, which has been taught as an independent course in a few law schools in Korea during recent years. The practical problems arising from investigation under the provisions of the Criminal Code, the Code of Criminal Procedure, and the Regulation for Police Duties are discussed in detail by KANG Sŏ-yong in his *Susa silmu* (A Manual for Investigation), 1962, which is a revised edition of the author's 1953 work.

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spread public interest in space science and technology. A number of books in borderline fields have also been included—space law, international cooperation, and commercial applications of space vehicles (such as communications satellites). A special feature of the list is the notation of the tables of contents of the works listed, in lieu of abstracts or summaries of contents. The bibliography is arranged by the year of publication, with

books grouped according to country within each year's list of books.

The list was compiled by Lynn E. Catoe with the assistance of Charles D. Thibault and Mary Evelyn Keating, all three of whom were members of the Aeronautics Section of the Science and Technology Division when the bibliography was prepared under the supervision of Marvin W. McFarland, now Acting Chief of that Division.

## SOME RECENT PUBLICATIONS OF THE LIBRARY OF CONGRESS<sup>1</sup>

*Annual Report of the Register of Copyrights for the Fiscal Year Ending June 30, 1962.* 1963. 22 p. Reprint from the *Annual Report of the Librarian of Congress* for the same period. Free upon request to the Copyright Office, Library of Congress, Washington, D.C. 20504.

Edwin Arlington Robinson. A reappraisal by Louis Untermeyer, with a bibliography and a list of materials in the Edwin Arlington Robinson Exhibit on display at the Library of Congress, April 15 to July 15, 1963. 39 p. Price 25 cents. Copies may also be purchased in person at the Information Desk at the ground floor entrance to the Main Building of the Library of Congress.

In the lecture contained in this brochure—prepared for the formal opening of the Library's exhibition—Mr. Untermeyer (LC's Consultant in Poetry, 1961-63) tells the story of the life of Robinson, whose name was often linked with that of Robert Frost in the 1920's but whose poetry has been neglected since Robinson died in 1935. "It is time," Mr. Untermeyer believes, "for a reappraisal and, perhaps, rediscovery."

*International Scientific Organizations: A Guide to Their Library, Documentations, and Information Services.* 1962. 794 p. Prepared by the International Organizations Section of the Library of Congress under the direction of Kathrine O. Murra and supported by a grant from the National Science Foundation. Price \$3.25. The entry for each of the 449 organizations also lists current publications issued by and about it and sketches briefly its purpose, structure, administration, and membership. More than 3,100 bibliographical references are given, most of them with annotations. A general index to the services and administrative structure of the organizations is included, and a key to the acronyms used is another useful feature.

*Newspapers of the Soviet Union in the Library of Congress.* Prepared by Paul L. Horecky with the assistance of John P. Balys and Robert G. Carlton, all of the Slavic and Cen-

tral European Division. 1962. 73 p. Price 60 cents. This record of available newspapers, both in print and on microfilm, offers for each title bibliographic information and itemized holdings. The material is listed alphabetically by place of publication and, within this arrangement, alphabetically by title. This list is in part a continuation of *Russian, Ukrainian, and Belorussian Newspapers, 1917-1953*, which was published by the Library in 1953 and which encompassed besides the Library's holdings those of other major U.S. repositories.

*Official Publications of British East Africa. Part III: Kenya and Zanzibar.* 1962. 162 p.; *Part IV: Uganda.* 1963. 100 p. Processed. Price \$1.25 a copy for Part III, and \$1 a copy for Part IV. These two guides, compiled by Audrey A. Walker of the African Section, also include documents issued by Great Britain, dealing specifically with the three countries, and publications of the East Africa High Commission, now the East African Common Services Organization, relating to Kenya and Uganda. Both guides follow a general alphabetical arrangement and include an index to authors and subjects.

*Soviet Russian Scientific and Technical Terms, A Selective List.* 1963. 668 p. Price \$3.50. This publication is the culmination of a number of processed working papers prepared in previous years as a byproduct of research activities in the Aerospace Information Division. The 26,000 terms included are generally those not found in standard dictionaries or those which have a special meaning when used in a particular field. Having been obtained as a byproduct, rather than through a systematic and exhaustive collection effort, the list is subject to comments and suggestions for improvement, which will be welcome.

*Space Science and Technology Books, 1957-1961: A Bibliography with Contents Noted.* 1962. 133 p. Price \$1. This bibliography is a byproduct of a project for which the Science and Technology Division compiled biographical and bibliographical information on leading U.S. and foreign space scientists and engineers for the use of the National Aeronautics and Space Administration. The works listed are not limited to highly technical books addressed to scientists and engineers but include semipopular titles reflecting wide-

<sup>1</sup> The priced processed publications are for sale by the Card Division, Library of Congress, Washington, D.C. 20504. All other priced publications are for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.



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